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THE AMERICAN NATION
A HISTORY

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THE AMERICAN NATION
A HISTORY

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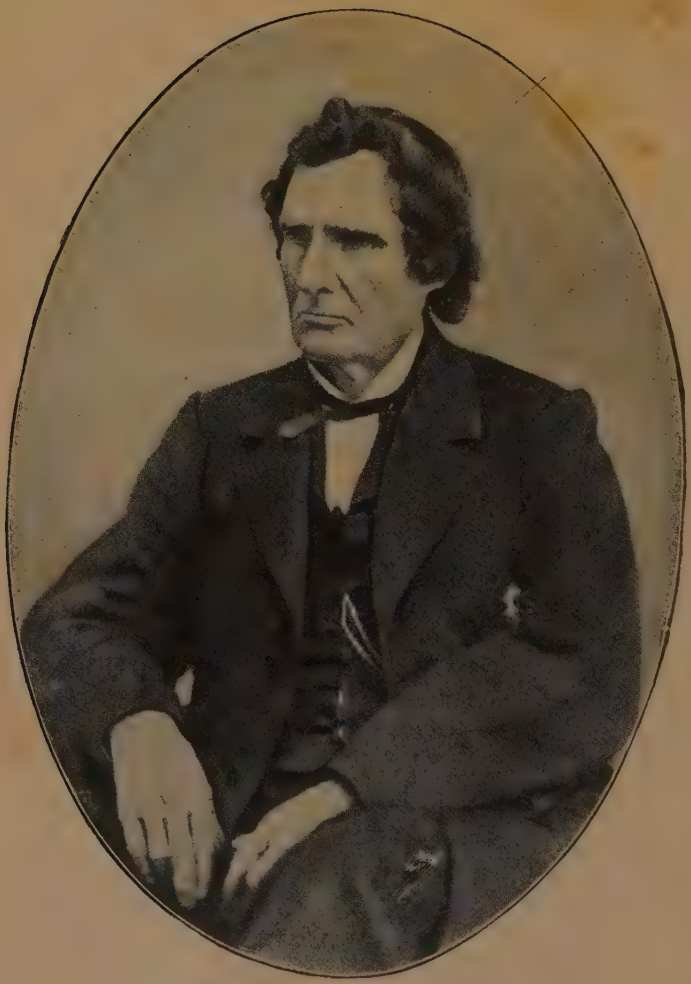

THADDEUS STEVENS

THE AMERICAN NATION: A HISTORY

VOLUME 22

RECONSTRUCTION
POLITICAL AND ECONOMIC

1865–1877

BY

WILLIAM ARCHIBALD DUNNING, PH.D., LL.D

LIEBER PROFESSOR OF HISTORY AND POLITICAL PHILOSOPHY
COLUMBIA UNIVERSITY

WITH MAPS

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TO THE MEMORY OF

MY FATHER

BY WHOM I WAS FIRST INSPIRED WITH INTEREST
IN THE PROBLEMS OF RECONSTRUCTION

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EDITOR'S INTRODUCTION

MR. GLADSTONE once let fall an expression about the difference between "war and a state of war." The phrase might almost be applied to the condition of the United States before and after the surrender of the southern armies described in the previous volume of this series (Hosmer, *Outcome of the Civil War*); for from 1865 to 1877, the field of the present volume, Federal troops remained in the South, almost as garrisons in a hostile country. Yet it must never be forgotten that when the guns were once silenced no person was deprived of life or property because of his connection with the Confederacy. The North also had its reconstruction, and in the process suffered terribly from unfit officials, the plundering of public treasuries, and the degradation of civic standards.

To the mind of Professor Dunning, reconstruction appears, therefore, not to be simply a process applied by the victorious section to the defeated; but a realignment of national powers, a readjustment of political forces, a slow recovery from the wounds inflicted on the body politic by four years of civil war. In chapters i. and ii., he points out the three

elements in the South which had to be reckoned with—the whites, the negroes, and the state governments. In chapters iii. to v., he sketches the rival policies of president and Congress. The process of reconstruction is the subject of chapters vi. and vii. The author then turns (chapters ix. and x.) to the domestic and international conditions of the country from the Civil War to 1873. In chapter xi. he describes the climax of Reconstruction in negro suffrage. Here the volume enters on the period of awakening, both North and South, first dealing with the bad political, economic, and social condition (chapters xii. to xiv. and xviii.) Then, in three chapters, xv. to xvii., he accounts for the upheaval in the South and the destruction of negro suffrage. The last three chapters of text, xix. to xxi., are devoted to the presidential struggle of 1876, culminating in the Electoral Commission of 1877. The Critical Essay reveals a wealth of hitherto undigested material.

The purpose of the volume is to show that Reconstruction, with all its hardships and inequities, was not deliberately planned as a punishment and humiliation for those formerly in rebellion, though the spirit of retribution had its part. It was an effort, clumsy and partisan, yet in the main honestly meant to make provision for the inevitable consequences of the Civil War; though it failed it left a state of things out of which has slowly grown the consciousness of a national harmony far stronger and more lasting than that before the war.

AUTHOR'S PREFACE

IN a short history of the period covered by this volume the chief problem is that of just proportion as to affairs in the two lately warring sections. Many things contributed to keep conditions in the South in the forefront of contemporaneous interest; and the historian cannot but feel the influence of this fact. Moreover, few episodes of recorded history more urgently invite thorough analysis and extended reflection than the struggle through which the southern whites, subjugated by adversaries of their own race, thwarted the scheme which threatened permanent subjection to another race. From the point of view of social and political science in general, the South bulks largest in the history of reconstruction. But our point of view in the present volume is different. We must regard the period as a step in the progress of the American nation. In this aspect the North claims our principal attention. The social, economic, and political forces that wrought positively for progress are to be found in the record, not of the vanquished, but of the victorious section. In this record there is less that is spectacular, less that is pathetic, and

more that seems inexcusably sordid than in the record of the South; but moral and dramatic values must not have greater weight in the writing than they have had in the making of history. Our narrative, therefore, while it may seem to slight the picturesque details of Ku-Klux operations and carpet-bag legislation and fraud, will be found, I trust, to present in something like their true relations the facts and forces which, manifested chiefly in the politics of the North and West, transformed the nation from what it was in 1865 to what it was in 1877.

The appearance of Dr. James Ford Rhodes's last two volumes, covering the years 1866–1877, in time to be used in the final revision of my manuscript, is a mercy the greatness of which cannot in a preface be adequately expressed. To Dr. Paul Leland Haworth, sometime lecturer in history at Columbia University, I am under deep obligation for assistance in the preparation of the maps and for suggestions on the later chapters of the text. Mr. William Watson Davis, University Fellow in History at Columbia, has rendered invaluable service in reading all the proof and verifying the references. Finally, it is due in large measure to the diplomacy, resourcefulness, and tact of the editor, Professor Hart, if the volume has assumed in any degree the special character suited to the requirements of the series.

WILLIAM ARCHIBALD DUNNING.

RECONSTRUCTION, POLITICAL AND ECONOMIC

RECONSTRUCTION, POLITICAL AND ECONOMIC

CHAPTER I

PROBLEMS OF THE RESTORED UNION (1865)

WITH the capitulation of Johnston's army to General Sherman on April 26, 1865, the last possibility of successful organized resistance by the South to the United States government disappeared. The scattered remnants of the Confederate military power had little inclination and less ability to check the flood of Federal invasion that was spreading over all the regions hitherto untouched by the devastation of war. One after another the southern commanders made their submission to the conquerors, and by the end of May the authority of the United States met no shadow of opposition from the Potomac to the Rio Grande. To the people of the North this meant that their passionate demand of 1861 had been realized—the Union was preserved; to the people of the South it meant that their bitterest forebodings of that year had come

true — they were subjugated by an alien power. Thus no more in the return of peace than in the inception and progress of hostilities was there any harmony between the sections, or probability of harmony, as to the meaning of the situation. In such ineradicable divergence of opinion and feeling is to be found the key not only to the genesis of the Civil War, but also to the problems of reconstruction.

If the northern point of view be taken, and the assumption be made that the Union had been preserved, the most casual survey of the country in April and May of 1865 reveals conditions, social, economic, and political, which are as different as the liveliest fancy could well imagine from those which characterized the Union of 1860. Four years of desperate warfare had left a deep impress upon both the general structure and the particular institutions of the people's life. The questions which engaged the attention of both central and state governments when Andrew Johnson assumed the presidency were widely different from those which were the core of discussion in the last peaceful days under James Buchanan. North of Mason and Dixon's line and the Ohio River the transformations wrought by the war were not always immediately present to the eye, for they were veiled by an external conformity to old customs and ideals; but in the border states, and in the ravaged territory of the Confederacy, the ancient social structure lay in obvious and irremediable ruin.

ALASKA
1870
SCALE OF MILES
0 100 200 300 400 500
DOMINION
WASHINGTON TERRITORY
(Organized 1853)
MONTANA TERRITORY
(Organized 1864)
DAKOTA TERRITORY
(Organized 1861)
WYOMING TERRITORY
(Organized 1868)
UTAH TERRITORY
(Organized 1850)
COLORADO TERRITORY
(Organized 1861)
NEW MEXICO TERRITORY
(Organized 1850)
ARIZONA TERRITORY
(Organized 1863)
NEVADA
OREGON
CALIFORNIA
PACIFIC OCEAN
ARCTIC OCEAN
BERING SEA
DOMINION OF CANADA
ALASKA
PRIBILOF ISLANDS
Unalaska
Long. West from 160° Greenwich
TROPIC OF CANCER
Ft. Colville
Olympia
Astoria
Portland
Salem
Walla Walla
Ft. Benton
Missouri R.
Ft. Buford
Helena
Virginia City
Yellowstone R.
Idaho City
Boise City
Silver City
Snake R.
Great Salt Lake
Salt Lake City
Ogden
Ft. Bridger
Ft. Laramie
Cheyenne
Ft. Sully
Platte R.
Sacramento
Stockton
San Francisco
Virginia City
Carson City
Austin
Pioche City
Central City
Denver
Trinidad
Los Angeles
Prescott
Arizona City
Tucson
Albuquerque
Santa Fe
Mesilla
Canadian R.
Red
Rio Grande
San Antonio
Ft. Yukon
Yukon R.
St. Michael
Ft. Alexander
St. Paul
Ft. Kadiak
Ft. Wrangell
Ft. Tongass
Sitka
Ft. Simpson
PUBLIC LAND STRIP
CHICKASAW

UNITED STATES
1870
Reconstructed States
Normal States
Organized Territories
Unorganized Territories
SCALE OF MILES
0 100 200 300 400 500
Longitude West 92° from Greenwich 87°
82° 77° 72° 67°
40° 35° 30° 25° 20°
BORMAY ENG. CO., N.Y.
ATLANTIC OCEAN
GULF OF MEXICO
CANADA
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
LAKE ERIE
Lake of the Woods
Duluth
Minneapolis
St. Paul
WISCONSIN
Green Bay
Oshkosh
Winona
Milwaukee
Madison
Dubuque
Rockford
Chicago
Davenport
Burlington
Dos Moines
Council Bluffs
Peoria
ILLINOIS
Springfield
Hannibal
St. Joseph
Kansas City
Jefferson City
St. Louis
MISSOURI
Grand Rapids
Lansing
Detroit
Toledo
Fort Wayne
Wabash R.
INDIANA
Indianapolis
Terre Haute
New Albany
Evansville
Louisville
Cairo
Paducah
KENTUCKY
Columbus
Dayton
Cincinnati
Covington
Frankfort
Lexington
Cleveland
Erie
Buffalo
Rochester
Albany
Troy
Burlington
Montpelier
Rutland
Concord
Portsmouth
Boston
Augusta
Portland
Bangor
MAINE
Newport
Providence
Hartford
Springfield
Albany
Scranton
Pittsburg
Harrisburg
Trenton
Philadelphia
Wilmington
Dover
Washington
Richmond
Petersburg
Norfolk
Lynchburg
Raleigh
New Berne
Wilmington
Knoxville
Nashville
Chattanooga
Huntsville
Memphis
Greenville
Columbia
Charleston
Savannah
Atlanta
Milledgeville
Macon
Columbus
Montgomery
Selma
Jackson
Holly Springs
Columbus
Natchez
Mobile
Baton Rouge
New Orleans
Pensacola
Tallahassee
Jacksonville
St. Augustine
Shreveport
Galveston
Little Rock
Hot Springs
Pine Bluff
ARKANSAS
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
FLORIDA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
WEST VIRGINIA
OHIO
PENNSYLVANIA
NEW YORK
VERMONT
NEW HAMPSHIRE
MASSACHUSETTS
CONN.
NEW JERSEY
DELAWARE
MARYLAND
CHICAGO
Mississippi R.
Illinois R.
Ohio R.
Cumberland R.
Tennessee R.
Red R.
Alabama R.
Savannah R.
Apalachicola R.
Cuyahoga R.
Hudson R.
Lake Ontario
Lake Erie
Lake Michigan
Lake Huron
Lake Superior
BAHAMA ISLANDS
TROPIC OF CANCER
CUBA

Only in a very narrow sense, then, was it true that the Union had been preserved. The territorial integrity of the nation had been maintained, but this was practically all. In the four years of convulsion through which this end was attained forces had been generated which rendered impossible a recurrence to ante-bellum conditions. The initial steps in the readjustment after the termination of hostilities were guided by the wide-spread northern belief that the old Union had been maintained; the final steps in reconstruction revealed with unmistakable clearness the truth of the southern view that a new Union had been created.

The problems which demanded solution from those in authority in May of 1865 centred about the conditions which the war left in the three strongly differentiated sections of the country: (1) the free states of the North, including the Pacific slope; (2) the border slave states; (3) the conquered region of the South. For the northern states the first requirement was to get rid as rapidly as possible of the military régime which the exigencies of the war had developed. Nearly a million men of the volunteer army were to be restored to civil life; the elaborate organization of the provost-marshal-general's bureau, which had brought the operations of recruiting and conscription into every congressional district of the North, must be dissolved; the multifarious activities of the war department through which the armies and navies were supplied with

food, clothing, and equipment must be curtailed; and the administration of justice must be restored to those channels from which it had been diverted by the suspension of the writ of *habeas corpus* and the practical if not technical substitution of martial for civil law.[1] Further, as the excessive demands upon the treasury diminished a reduction and readjustment of taxation must be entered upon, with all the far-reaching economic and social consequences which comprehensive operations of this kind involve.

The North enjoyed on the whole a considerable degree of industrial and commercial prosperity during the war. By the end of the four years of conflict the effects of the violent displacement of capital and labor at the outbreak of hostilities had disappeared, and the productive forces of the land were entirely adjusted to the new conditions. For the industries wrecked by the war, such as cotton manufacture and the merchant marine, compensation had been found in the demands created by the needs of warfare, and also in the opening up of the oil-fields of Pennsylvania and the mines of Nevada and Colorado.

This last-mentioned development had a potent influence on what was perhaps the greatest of the non-political problems with which thoughtful men were occupied in 1865—that of establishing railway

[1] Cf. Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), chap. i.; Dunning, *Essays on the Civil War and Reconstruction*, 37 et seq.

connection between the Mississippi Valley and the Pacific coast. When secession became an accomplished fact in 1861, it was apparent to every one that a transcontinental railway was indispensable to the maintenance of the national unity.[1] By the end of the war, lines were pushing westward over the Indian-ravaged plains of Kansas and eastward through the gigantic mountain barriers of California. But progress was slow: private capital and energy were fearful of the future where more than a thousand miles of uninhabited territory had to be crossed; and the form and amount of aid which the government should give to the great enterprise had not been fixed in a form which the promoters regarded as definitive. The construction of the Pacific Railway was destined to be the core of some of the most intricate entanglements of both politics and administration throughout the period of reconstruction.

When we turn to the border slave states, we find at the close of the war, as during its continuance, a situation peculiar to those regions. In each of these states a very considerable minority of the people had favored secession, and each had contributed thousands of soldiers to the ranks of the Confederate army. Each had also been the theatre of military operations carried on by the regular armies, and had suffered the inevitable consequences of that fact; but

[1] Cf. Hosmer, *Appeal to Arms*, 174; Hosmer, *Outcome of the Civil War*, 133 (*Am. Nation*, XX., XXI.).

much more disastrous and demoralizing had been the incidents, especially in Missouri and Kentucky, of the irregular warfare of raiders and guerilla bands which continued till the last flicker of life in the Confederate cause. In these border states, where sentiment was so much divided in respect to the war, the conflict assumed a fratricidal character; neighborhoods and families fell asunder and furnished armed supporters to both sides. The bitterness and hatred engendered by the loss of life and property affected the schools, the churches, and the commonest relations of business. Moreover, in addition to the feeling which separated Union from Confederate sympathizers, a serious divergence of sentiment divided the Unionist majority itself into two intensely hostile factions over the abolition of slavery; and on this issue the radicals triumphed before the end of the war in Missouri and Maryland, the conservatives in Kentucky.[1] But the party strife was continued on the question of the treatment of southern sympathizers. Disfranchisement of this class was provided for by more or less rigorous measures in all the border states; and Missouri ratified, in June, 1865, a new constitution which, through an exceedingly stringent test-oath, denied to such persons not only the right to vote and hold office, but also the right to act as trustee, to practise law, and "to teach or preach or solemnize marriages."[2]

[1] Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), 223.
[2] *Am. Annual Cyclop.*, 1865, art. Missouri.

A final element in the complex of animosities, faction, and dissension which distracted the border states was the presence of the United States military authority. For months after the collapse of the Confederacy the Federal commanders continued to supplement, assist, or override at discretion the administrative and judicial procedure of the state government. The most serious effects of this element of confusion were manifested in Kentucky, where martial law, proclaimed by President Lincoln, July 5, 1864, was not withdrawn till October 12, 1865. As the conservatives of this state successfully resisted to the end every effort to abolish slavery, and as the commander of the military department, General Palmer, was an energetic promoter of emancipation, the status of the blacks was a source of grave conflict between the state and the Federal authority.[1]

As we cross the line into the territory of the defunct Confederacy, we find at first conditions like those in the border states, with the evils greatly aggravated. In Tennessee, in particular, the fierce animosities of fratricidal strife formed the greatest obstacle to the restoration of peace and order. As compared with this social factor, the more distinctively economic and political elements in the situation were of secondary importance. But when we reach the heart of the Confederacy, the cotton states

[1] For the chief documents in this controversy, see *Am. Annual Cyclop.*, 1865, art. Kentucky.

proper, it is hard to say that any one feature was more significant than the rest, where chaos was universal. Save in those districts where the Union arms established themselves long before the termination of hostilities—principally New Orleans and its vicinity—there was no disharmony among the white population: all had committed themselves, actively or passively, to a cause that was lost, and all awaited in uniform humiliation and dejection the fate that should come to them from the will of the conqueror.

The problem of reconstruction in these states involved on the one hand the question of mere existence, how to provide the necessities of life for the population, and on the other hand the vital question of civilized existence, how to constitute governments adequate to the social needs. For in none of the rebel states did the war leave either an economic organization that could carry on the ordinary operations of production, or a political organization that could hold society together.[1]

During the continuance of hostilities the military and naval operations of the Union forces almost destroyed the commercial system of the South, and thus reduced the life of even the well-to-do classes to a pitifully primitive—almost barbarous—level. Of mere food there was produced an abundance in all the regions in which the slaves remained at work. But along the lines of Federal invasion, and about the points of permanent occupation by Union gar-

[1] Cf. Fleming, *Documentary Hist. of Reconstruction*, I., 11.

risons, the policy of emancipation was systematically carried out, with the result that great masses of blacks, withdrawn from their wonted routine, wasted away in idleness, want, and disease within the Union lines;[1] while their former masters eked out a precarious existence from the wreck of their farms and plantations, or betook themselves as refugees to the still uninvaded parts of the South. With the collapse of the Confederacy all the slaves became free, and the strange and unsettling tidings of emancipation were carried to the remotest corners of the land. As the full meaning of this news was grasped by the freedmen, great numbers of them abandoned their old homes, and, regardless of crops to be cultivated, stock to be cared for, or food to be provided, gave themselves up to testing their freedom. They wandered aimless but happy through the country, found endless delight in hanging about the towns and Union camps, and were fascinated by the pursuit of the white man's culture in the schools which optimistic northern philanthropy was establishing wherever it was possible.[2]

While the negro population, whose labor was so indispensable a factor in the productive system, was thus occupied, the returning Confederate soldiers and the rest of the white population devoted themselves with desperate energy to the procurement of

[1] Cf. Peirce, *Freedmen's Bureau* (Univ. of Iowa, *Studies*, III.), chap. i.

[2] Cf. Fleming, *Civil War and Reconstruction in Ala.*, 269.

what must sustain the life of both themselves and their former slaves. From many a family that had lived in luxury came pitiful cries for the humblest food; and in many regions where nature would have responded bounteously to slight human effort, the only thing that interposed between the population and famine was the commissary department of the Union army.[1]

While the disorganization of the labor system was the fundamental factor in the economic and social situation in the South, all the other familiar effects of protracted war contributed to the total of misery. Railways and bridges were destroyed; the many factories which had been developed, on however primitive a scale, to supply the needs of the Confederate armies, were reduced to wreckage or ashes; the Confederate and state securities and currency which represented so considerable a share of Southern capital had only the usefulness and value of souvenirs in a glutted market. Yet with all these drawbacks there would have been a way clear to prompt recovery if the whole population, black as well as white, could have resumed at once the familiar methods of production. The price of cotton was fabulously high, and the South might have entered with happy prospects into the business of meeting the world's demand for this commodity. But before such economic results were to be attained the South was destined to pass through a social and

[1] *Am. Annual Cyclop.*, 1865, p. 393.

political struggle of such intensity as only race antagonism can produce.

If the problem of adjusting the blacks to a useful place and function in the southern economy was the first that demanded solution, the problem of civil government in each state was not far behind in importance. Indeed, it seemed to many men of the time, in both North and South, that the lack of state governments was responsible for much that was most distressful in the situation. For when the din of arms finally ceased, there was no civil authority claiming to be the state in either North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, or Texas; and in the other four states of the Confederacy, except Tennessee, the organizations which, by grace of the president of the United States, claimed to represent the respective commonwealths could only by an excess of courtesy be recognized as worthy of the dignity to which they made pretension.

President Lincoln had taken up the subject of restoring civil government in the seceded states with his characteristic conservatism and caution. The basis of his policy was the belief that there existed in every one of those states an element among the people which was still loyal in feeling to the Union. This element, he expected, would rise to the surface as the military power of the Confederacy was overcome, and might then be utilized to organize a civil government which the government at Wash-

ington could properly recognize. During 1862, as the Union forces gained footholds in Tennessee, North Carolina, and Louisiana, the president appointed military governors in each of those states, whose express duty it was to stimulate the reappearance of the loyal element of the population.[1] The experiment came to naught in North Carolina,[2] but in Tennessee, largely through the courage and tenacity of Andrew Johnson, and in Louisiana, through the ruthless rigor with which Butler and Banks maintained the Federal grip on New Orleans, a body of inhabitants, more respectable perhaps in numbers than in social or intellectual position, were firmly attached to the Union cause. In Arkansas during 1863 a like situation was created, in consequence of the fall of Vicksburg and the general weakness of the Confederate military power in the West.

By December of this year Mr. Lincoln became convinced that the existing loyal population required considerable accessions from the rebel ranks in order to assume the character of a political people for the respective states. Accordingly he issued his proclamation of December 8, 1863, offering pardon and the restoration of property to all who would take a prescribed oath, and announcing that he would recognize as the true government of any of the seceded states, except Virginia, such organiza-

[1] Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), 134.
[2] Hamilton, *Reconstruction in N. C.*, 89.

tions as might be effected by the citizens taking the oath, if they should be equal in number to one-tenth of the voting population of the state in 1860.[1] Under the plan of reorganization thus presented, constitutional conventions were held and governments set up, during 1864, in Tennessee, Louisiana, and Arkansas. These were duly recognized by the president as the true governments of their respective states: but the actual authority which they exercised was of course strictly limited to the regions that were within the Union military lines; and in Congress itself neither Senate nor House admitted to their seats the members chosen under the auspices of the new governments. In Virginia the fragmentary organization which remained when West Virginia was formed by the Unionists of the Old Dominion[2] was still going through the motions of state government at Alexandria, snubbed by Congress, flouted by the redoubtable Butler in the administration of his military authority, and admitted to be "farcical" by President Lincoln himself, who nevertheless unflinchingly sustained it as the only logical nucleus for ultimate development into real power and efficiency.[3]

These four states, then, differed from the other seven that had seceded in possessing, when hos-

[1] The particular exceptions and qualification embodied in the proclamation are here omitted: text in Richardson, *Messages and Papers*, VI., 213.

[2] Hosmer, *Appeal to Arms* (*Am. Nation*, XX.), 50.

[3] McCarthy, *Lincoln's Plan of Reconstruction*, 129 et seq.

tilities ceased, the semblance at least of governments loyal to the Union. That this fact simplified on the whole the problem of reconstruction is more than doubtful. In Tennessee, indeed, where the Unionist element had always been numerically very strong, the new government had a substantial popular basis, and the situation was much like that in the border states; in a less degree this was true in Arkansas; but in Virginia and Louisiana the governments which Lincoln had recognized were destitute of respect or influence among the great mass of the people which they claimed to govern, and the task of extending their authority over their states promised to be even more difficult than that of organizing entirely new systems in the other members of the Confederacy.

To recapitulate, the progress of the American nation in the decade succeeding the Civil War was to be involved in the solution of as complex problems as ever taxed the capacity of government. In the North the dangerous encroachments of militarism on the domain of civil polity were to be terminated, and the tremendous financial burdens left by the war were to be diminished and readjusted so as to be bearable. In the border states the passions and feuds of a divided society were to be curbed till time could bring tolerance and reunion. In the South a wholly new social and political structure was to be built out of the wreckage of that which conquest had destroyed, and the foundation must

be laid by some distinct determination of the rights and duties of the freedmen and by the construction of state governments.

Finally, by the side of these problems of internal policy, and somewhat in the background, lay certain questions of foreign relations, which now and then were forced ominously to the front in the surgings of public opinion. Great Britain had won no high favor in either North or South by her policy during the war, and the French forces in Mexico were an incontrovertible expression of Napoleon's malevolent disposition. With the fall of the Confederacy it became a seriously debated question in all the political circles of the North whether it would not be well, before reducing the military and naval establishment, to have a settlement of the grievances which the European powers had so recklessly heaped up against themselves. Only the imperative and absorbing demands of the home situation prevented a crisis in foreign relations; and at each particularly troublesome period in the process of reconstruction there was an access of urging by influential men that the president should find a way out through an aggressive movement against Great Britain or against the French in Mexico.

CHAPTER II

WORKING TOWARDS A PEACE BASIS
(1865)

FLAGRANT war ended, as it had begun, when Congress was not in session, and when the executive department of the government, therefore, must assume all the responsibility of dealing with the new situation. The man who took up the exercise of the chief executive power on April 15, 1865, was not the man whom any important element of the people in either North or South would have deliberately chosen for the task. Andrew Johnson had been nominated for the vice-presidency at Baltimore, in 1864, under the influence of two ideas which pervaded the convention—namely, that the Republican party had given up its identity and become merged in the Union party; and that the Union party was not sectional, but included South as well as North in its membership. Born in North Carolina, a resident during all his mature life of Tennessee, and an unfaltering supporter throughout his public career of the ante-bellum Democracy, Mr. Johnson, on the ticket with Lincoln, served excellently as a symbol of the party transformation which the war

had effected; but few of the party which elected him vice-president would have judged it wise to intrust the difficult task of reconstruction to a man whose antecedents were southern, slave-holding, and ultra-state-rights Democratic; while the northern Copperheads and the southern secessionists alike regarded him with all the scorn which is excited by an apostate.

The new president was not, however, of a temperament to be affected by, even if conscious of, the consternation which his accession to power produced. The same integrity of purpose, force of will, and rude intellectual force, which had raised him from the tailor's bench in a mountain hamlet to leadership in Tennessee, sustained him when he confronted the problems of the national administration. He felt in reference to the future just as he had felt as to the past when, at the simple ceremony of his induction into the presidency, he had said: "The duties have been mine, the consequences are God's."[1] The complacent self-sufficiency which was manifest in this, as in very many other of his public addresses, was, however, a quality of speech rather than of character in the new president. Positive, aggressive, and violent in controversy, fond of the fighting by which his convictions must be maintained, he nevertheless, in the formation of his opinions on great questions of public policy, was as diligent as any man in seeking and weigh-

[1] *Am. Annual Cyclop.*, 1865, p. 800.

ing the views of all who were competent to aid him.

The first six weeks of Johnson's administration were dominated by the emotions which the assassination of his predecessor excited in all parts of the land. At Washington affairs fell largely under the direction of the secretary of war, whose total loss of self-control in the crisis contributed to intensify the panicky and vindictive feeling that prevailed. The idea that leading Confederates were concerned in Booth's plot not only led to the offer of large rewards for the capture of Jefferson Davis, Jacob Thompson, Clement C. Clay, and others,[1] but also strengthened the hands of those who were demanding that the conquered people as a whole should receive harsh treatment. Mr. Johnson himself had, in the fierce days of his struggle for the Union cause in Tennessee, repeatedly proclaimed his belief that the leaders of secession should receive severe punishment. In the first weeks of his presidency this policy was emphasized by the iteration and reiteration, as was his habit, of the pregnant phrases: "Treason is a crime and must be made odious"; "Traitors must be punished." As the hot pursuit of the scattered and fleeing Confederate leaders brought more and more of them into the hands of the troops, it seemed as if the great drama of secession was about to end in a series of executions for treason. Even the surrendered and paroled

[1] Richardson, *Messages and Papers*, VI., 307.

generals were marked for exemplary punishment, especially Robert E. Lee, lawyers advising the president that the immunity guaranteed by the terms of surrender ceased with the end of the war.[1]

When, however, the excitement caused by the assassination of Mr. Lincoln subsided, and the suspicions that Davis and his associates had been concerned in the deed were seen by sane minds to be unfounded, conservative northern sentiment began to show alarm at the vindictive course to which the president seemed tending. General Grant met the suggestion of Lee's arrest with so peremptory a negative as to render impossible further proceedings on that line.[2] Moreover, the general atmosphere of the White House at Washington was quite different from that of the state-house at Nashville, and the advice which was given to Mr. Johnson by most of his constitutional advisers was of another quality than that which he had been wont to receive from the embittered and revengeful Unionists of Tennessee. He had gladly retained all the members of Mr. Lincoln's cabinet, and in them he found persisting that distaste for proscription which Booth's victim had made no attempt to conceal.[3] Especially was this feeling manifest after the return of Seward to duty in May;[4] for the secretary of state har-

[1] Opinion of Benjamin F. Butler, dated April 25, 1865, in MS., *Johnson Papers*.

[2] Badeau, *Grant in Peace*, 26.

[3] Welles's account of Lincoln's last cabinet meeting, in *Galaxy*, April, 1872; cf. Rhodes, *United States*, V., 138.

[4] Bancroft, *Seward*, II., 446.

bored no resentments in politics, and the weight of his influence could not have failed, under the circumstances, to be very great. Accordingly, though many prominent Confederates were kept in strict confinement, and were treated in some cases with much more rigor and harshness than was necessary, the policy of bringing them to trial and punishment gradually was abandoned.

That Mr. Johnson willingly gave up this policy in the case of Jefferson Davis is more than doubtful.[1] But the obstacles in the way of any procedure that offered the slightest hope of conviction assumed a formidable character from the outset. From every influential quarter in the North came, as soon as hostilities had ceased, urgent demands that military tribunals should be suppressed and that the administration of justice should be left to the ordinary courts.[2] Nevertheless, the conspirators associated with John Wilkes Booth were tried and convicted in June by a military commission.[3] Public opinion, under the tension of the great tragedy, condoned this proceeding, though there was some criticism of it. Wirz, the Confederate commander at Andersonville, charged with the abuse and murder of Union prisoners, was brought to the gallows November 10 by the same sort of tribunal;[4] in this case

[1] Cf. McCulloch, *Men and Measures*, 410.

[2] See MS. letters from Henry Winter Davis (May 13), David Dudley Field (June 8), Thomas Ewing (July 4), and others, in *Johnson Papers*.

[3] Rhodes, *United States*, V., 156.

[4] Report of the trial in *House Exec. Docs.*, 40 Cong., 2 Sess., VIII.

the procedure was questioned, if not strongly condemned, by all conservative men. That such a method should be employed in the case of Davis or other distinguished prisoners, civilian or military, became impossible as soon as public opinion assumed its normal calmness. On the other hand, every project that was suggested for securing a conviction of these men before a civil court was rejected as either unconstitutional or impracticable by the best legal advice that the administration could procure.[1]

The prisoners of state who were put in rigorous confinement under the influence of the demand for harsh treatment included Jefferson Davis and Alexander H. Stephens, president and vice-president of the defunct Confederacy, Reagan, Seddon, Campbell, and Mallory, of the late Confederate cabinet, half a dozen of the state governors under the Confederacy, and a number of other prominent men. While these political leaders were being made to feel the bad, and expect the worst, consequences of failure in civil war, the military forces of both conquered and conquering sections were being dissolved and blended in the general population. Within four days after the surrender of Lee's army recruiting was suspended in the North. As the other Confederate organizations successively made their submission, and it became clear that no prolongation of

[1] Cf. DeWitt, "Vice-President Andrew Johnson," in Southern Hist. Assoc., *Publications*, July, 1905.

the struggle was to be feared, plans for the reduction of the military establishment were put in operation in every direction.

The efficiency of the machinery of the war department under Secretary Stanton was as well exhibited in this process as it had been in the progress of hostilities. First in importance of the tasks undertaken was the mustering out of the great volunteer army, amounting in April to about one million men. Of these over eight hundred thousand had, by November 15, been transported to their homes, paid off, and returned to civil life.[1] At the same time the production and purchase of supplies were stopped, and vast stocks of material were disposed of. Between April 20 and November 8, 1865, the quartermaster-general's bureau sold property amounting to $13,357,345. From 128,840 horses and mules was realized $7,500,000; 83 locomotives and 1009 cars brought $1,500,000; 2500 buildings were vacated and ordered sold; and 83,887 wage-earners were discharged by that bureau alone.[2]

Throughout the summer and autumn of 1865 the railway and steamboat lines were full of returning soldiers. Into every hamlet, however remote, came sooner or later some bearer of personal experience in the great conflict, now seeking to assume or resume the vocation of civil life. The "old soldier" became a significant social type, and left a clear impress on the popular life and character of the time. It is

[1] Sec. of War, *Report*, 1865, p. 28. [2] *Ibid.*, 40.

difficult to detect, however, any economic influence of the great and sudden change in the North during the middle of 1865. The abrupt transfer of nearly a million able-bodied men from destructive to productive occupation, with the simultaneous curtailment and extinction of many large industries, might have been expected to make itself conspicuously felt in business and finance. But hardly a ripple was manifest on the placid surface of economic life. The readjustment of forces proceeded so peacefully as to leave no sign.

Doubtless no small influence in the placidity of the North was attributable to the absence of anything like such a condition in the South. Nothing could be more striking than the difference between the prosperous and cheerful *milieu* to which the northern soldier returned and the hopeless conditions which greeted his late antagonist of the South. While the veterans of Grant's and Sherman's armies were being transported to their homes with every provision for their comfort that forethought could suggest, those who had followed Lee and Johnston were slowly and painfully making their way, chiefly on foot, through ravaged and poverty-stricken regions that offered them little cheer save the benedictions of the inhabitants. Some one hundred and seventy-four thousand surrendered Confederate soldiers were paroled by the Union authorities,[1] and

[1] *War Records*, Serial No. 121, p. 832; Sec. of War, *Report*, 1865, pt. i., p. 45.

over sixty thousand were discharged from northern prison camps during the summer. These men represented in a great measure the most useful elements of the population, but the situation which they found when they reached their homes was, as a rule, destitute of all opportunity for usefulness. Capital, labor, currency — all were either lacking or so transformed as to require unfamiliar methods of employment. Many an officer whose word had in March been law for a thousand men was in May toiling at the humblest manual labor, in order to procure the little United States currency that would command the necessities of life for his family.

In those regions where any cotton had escaped the ravages of war the high price of this commodity offered an attractive promise of financial salvation to the lucky owners. But marketing the cotton was difficult and often impossible in the disorganized condition of the country; and, moreover, the title to much of it was, under the now rigorously applied war legislation of Congress, subject to dispute. Treasury agents and army officers were very active in seizing all that could in any way be made to bear the taint of service, either actual or promised, to the Confederate cause. Extensive fraudulent operations of corrupt officials and rapacious speculators wrested from the owners much that was free from such taint. And, finally, the tax of three cents per pound, which confronted any one who got his cotton

safely through these other perils, cut down materially his much-needed proceeds.[1]

It was felt on all hands that the most effective means of promoting the revival of the South, and putting it in the way of sustaining its population, would be the prompt removal of the restrictions on trade which the war had involved. Accordingly the president began this process immediately on the cessation of hostilities, and continued it as rapidly as conditions seemed to warrant. As early as April 29, 1865, he ordered the discontinuance of restrictions on domestic trade in all parts of the rebel territory east of the Mississippi River, so far as that territory was within the Union military lines.[2] By proclamations of May 22 and June 13 this removal of restrictions was made general east of the Mississippi save as to contraband of war; and on June 24 the trans-Mississippi region was put on the same footing. As to foreign commerce, the blockade established by President Lincoln was rescinded by proclamation of June 23, and on July 1 all the ports of the South were thrown open to trade, except in contraband, which remained under prohibition till August 29.

When the barriers were thus thrown down which had made intercourse between the two sections for four years illegal, there was a wide-spread resump-

[1] On the whole matter of the trade in cotton, see Fleming, *Reconstruction in Ala.*, 284 et seq.; Fleming, *Documentary Hist. of Reconstruction*, I., 25–33; Rhodes, *United States*, V., 281 et seq.

[2] Richardson, *Messages and Papers*, VI., 333.

tion of both social and business relations between the people who had so recently been enemies. Not without hesitation, suspicion, awkwardness, and desperate efforts to avoid those dangerous topics which were uppermost in all men's minds, old friendships were renewed, old connections were looked up with a view to re-establishment. Not a few southerners came promptly North to find opportunities which they despaired of ever seeing in their own section, and which well-disposed northern acquaintances were not slow to put in their way. The most pronounced movement, however, was from North to South, under the operation of the commercial instinct. A host of traders kept up with, or far preceded, the opening of railways and steamer lines into the long-closed regions. Many capitalists also sought in the conquered and stricken country profitable investment for their wealth.[1] Especially inviting seemed the cotton plantations which could now be bought at ridiculously low prices from their resourceless owners. Sharp-witted officers and even privates in the Union armies, having noted the opportunities in neighborhoods which their duties made familiar, sent their friends or returned themselves to take advantage of their observations. The experience of this first body of northern immigrants proved almost uniformly unfortunate, despite the exceptionally low prices which they paid for their

[1] Garner, *Reconstruction in Miss.*, 135 et seq.; Fleming, *Reconstruction in Ala.*, 321.

land. Their failure was largely due to unfamiliarity with the peculiarities of the crop which they sought to raise. Other causes contributed greatly, however, to render their success impossible, and among these were the social and political conditions under which they were obliged to live.

The disbandment of the great armies, and the restoration of intercourse between the sections, was only a little step towards a general peace basis. Civil government had yet to be instituted in the conquered region, and the status of the freedmen had to be fixed on some clear foundation of law. Pending the establishment of civil government under some plan of reconstruction, the preservation of order and the supervision of such fragments of local administrative machinery as still existed were entirely in the hands of the United States army. Each of the lately hostile states constituted a military department, whose commander, with headquarters at the capital or chief town, controlled affairs through garrisons and properly distributed posts. During the summer of 1865 the need of considerable bodies of troops everywhere disappeared. Isolated crimes, such as inevitably accompany war and social disorganization, were often reported, and in some regions bands of outlaws operating on a large scale required suppression; but in general that part of the people who had sustained the Confederacy fully acknowledged their subjugation, and made no sign of opposition to the power which was over them.

Nevertheless, in one important respect resentment did take on a serious aspect among the whites. As the withdrawal of troops to be mustered out proceeded, the forces remaining in the South showed an ever-increasing proportion of negro regiments. The use of these troops was due in part to the fact that their desire to leave the service was, to say the least, not urgent, while the opposite was generally the case with the white volunteers; and in part to a deliberate purpose to emphasize the completeness of the catastrophe which the war had brought upon the South. Protests against the presence of the black troops began very early from the southern whites, and the demoralizing effects of such garrisons, and especially of small posts in rural districts, where discipline was not the most rigorous, became more and more evident as time went on.[1]

Side by side with the general authority exercised by the department commanders, and gradually supplanting it in importance, was the jurisdiction and far-reaching control assumed by the Freedmen's Bureau. This institution was created by an act of March 3, 1865, to give unity and central organization to the various conflicting systems which had grown up for the care of the freedmen during the war.[2] Under the provisions of the act the bureau

[1] Fleming, *Documentary Hist. of Reconstruction*, I., 47.
[2] Peirce, *Freedmen's Bureau* (Univ. of Iowa, *Studies*, III.) chaps. i., ii.

was to have charge of all matters pertaining to refugees, freedmen, and abandoned lands in states which had been the theatre of war. Through a commissioner, assistant commissioners, superintendents, and local agents, the interests of the former slaves (for it was this class that the act was chiefly intended to provide for) were to be looked after wherever the power of the United States extended. When the Confederacy collapsed practically the whole territory in which slavery had existed became thus the field for the operations of the bureau. During the summer of 1865 its organization was completed[1] and its influence became promptly manifest both in the South, where its agents assumed a conspicuous place in the work of social readjustment, and in the North, where the reports of its activities contributed much to shape public opinion on the serious political issues which were impending.

The most general summary of the functions assumed by the bureau shows how intimate its connection was with the movement towards social reorganization. It assigned abandoned land to the freedmen and promoted the acquisition of other lands by lease or purchase; it supervised the charitable relief and educational enterprises which were being carried on among the blacks; it exercised jurisdiction over controversies in which freedmen

[1] All the official papers concerning the organization and early work are in *House Exec. Docs.*, 39 Cong., 1 Sess., No. 70; see also Fleming, *Documentary Hist. of Reconstruction*, I., chap. v.

were involved, either with one another or with the whites; it took charge of family relations among the blacks, and strove to create a sense of the sanctity of marriage where such an idea had but a shadowy, if any, existence; finally, and most important of all, it took cognizance of all arrangements through which the whites sought to secure the labor of the freedmen, guaranteed the latter against any suggestion of slavery, and saw to it that the laborer should not be the victim of oppression, either as to the kind and duration of his labor or as to the amount of his wages. The bureau assumed, in short, a general guardianship of the emancipated race, and, backed by the paramount military force of the United States, undertook to play a determining rôle in the process of reorganizing southern society.

The orders and instructions issued by General Howard, the head of the bureau, for carrying out this comprehensive programme, were characterized almost uniformly by moderation and good judgment. Much the same may be said of the directions that emanated from the assistant commissioners for their respective states, though here in some cases a tendency appeared to lecture the southern whites on the sinfulness of slavery and on their general depravity, and to address to the freedmen pious homilies and moral platitudes obviously above their intelligence, and designed for the latitude of New England and the Western Reserve. Assistant Commissioner Whittlesey, of North Carolina, for ex-

ample, solemnly informed the white men of that state that "the school house, the spelling book and the Bible will be found better preservers of peace and good order than the revolver and the bowie knife";[1] and General Saxton assured the freedmen of South Carolina, Georgia, and Florida that "labor is ennobling to the character and, if rightly directed, brings to the laborer all the comforts and luxuries of life"; that "falsehood and theft should not be found in freedom — they are the vices of slavery"; and that "cotton is a regal plant and the more carefully it is cultivated, the greater will be the crop."[2]

While such vagaries were rare among the higher officials, the local agents, whose function it was to apply the general policy of the bureau to concrete cases, displayed, of course, the greatest diversity of spirit and ability. It was from these lower officials that the southern whites formed their general estimate of the character and value of the institution, while the people of the North were guided more by the just and practical policy outlined in the orders from headquarters. However much tact and practical good sense the local agent was able to bring to the performance of his delicate duties, he in most cases, being a northern man, was wholly unable to take a view of the situation that could make him agreeable to the whites of the neighborhood. He saw in both freedman and former master qualities

[1] *House Exec. Docs.*, 39 Cong., 1 Sess., No. 70, p. 2.
[2] *Ibid.*, p. 92.

which the latter could never admit. Hence the working of the bureau, with its intrusion into the fundamental relationships of social life, engendered violent hostility from the outset on the part of the whites. The feeling was enhanced by the conduct of the ignorant, unscrupulous, and deliberately oppressive agents who were not rare. As soon, therefore, as it became established, the bureau took the form, to the southern mind, of a diabolical device for the perpetuation of the national government's control over the South, and for the humiliation of the whites before their former slaves.

The bureau, however, was by the terms of the law but a transitional institution, limited in its existence to one year after the end of the war. Its functions were not well correlated by the law with those of the regular military authority, and at first the two species of armed rule caused some confusion in the process of social rehabilitation. Before this situation was cleared up a third species of authority was installed in every state by the president's policy of restoring civil government. This policy, which was to become the centre of so terrible a political storm, must now be examined in detail.

CHAPTER III

THE POLICY AND AMBITION OF PRESIDENT JOHNSON

(1865)

IN confronting the problem of restoring civil governments in the South, President Johnson was under no necessity of devising a solution. That already applied by Lincoln in three of the states was ready to the hand of his successor.[1] Indeed, the draught of a proclamation for instituting the process of restoration in the other states had been submitted by Secretary Stanton to the cabinet, and was discussed in the last meeting before the assassination.[2] Accordingly, Johnson took up the work at the precise point where Lincoln had left it. First, in order to dispose of the idea that the state governments which had exercised authority under the Confederacy might be permitted to continue their functions, the military commanders were ordered to prevent any attempt of the old legislatures to meet, and such of the governors as could be caught, including Brown, of Georgia, Clark, of Mississippi, Magrath, of South Carolina, Vance, of North Caro-

[1] See above, p. 15.

[2] Gorham, *Stanton*, II., 241.

lina, and Watts, of Alabama, were consigned to prison. This left only military government in seven of the rebel states. As to Virginia, an executive order of President Johnson, dated May 9, 1865, formally recognized Francis H. Peirpoint as governor of the state;[1] and without formal declarations governors Brownlow, of Tennessee, Wells, of Louisiana, and Murphy, of Arkansas, the official heads of the organizations created under Lincoln's administration and with his aid, were assumed to be the chiefs of legitimate governments, and were encouraged to extend their authority throughout the territory included within their respective state limits.

Having thus provided for the four commonwealths which were far advanced on the road to restoration, Johnson proceeded to carry out Lincoln's project for the remaining seven. The new conditions produced by the end of hostilities gave occasion for some slight modifications of the amnesty programme. Attorney-General Speed having furnished an opinion that a new proclamation was necessary to supersede those of Mr. Lincoln,[2] Johnson's substitute was issued on May 29, 1865.[3] The oath which it prescribed as a condition of pardon differed from Lincoln's in requiring an unqualified instead of a qualified pledge to support all laws and decrees

[1] Richardson, *Messages and Papers*, VI., 337; cf. above, p. 15.
[2] For Speed's opinion, see *War Records*, Serial No. 126, p. 5.
[3] Text in Richardson, *Messages and Papers*, VI., 310; also Fleming, *Documentary Hist. of Reconstruction*, I., 168.

touching slavery; and it excepted from the privilege of the amnesty six classes of persons in addition to those excepted by Lincoln, the most significant of the new classes being that of persons worth twenty thousand dollars or more.

On the same day the reorganization of North Carolina was begun by a proclamation[1] appointing W. W. Holden provisional governor, and directing him to assemble a constitutional convention of delegates chosen by the loyal part of the people of the state, and to exercise all powers necessary to enable that part of the people to organize a republican form of government such as the United States might constitutionally guarantee. The test of loyalty prescribed was the taking of the oath embodied in the amnesty proclamation. Only such persons as should have taken that oath might participate, either as electors or as elected, in the process of reorganization, and, moreover, only such as were qualified voters under the laws of the state that had been in force immediately before the pretended secession.

The only feature of this project which excited much discussion among the advisers of the president, official and other, was that fixing the qualifications for voting. Radical senators and representatives insistently urged the importance of including the freedmen in the reorganizing electorates, and the

[1] Richardson, *Messages and Papers*, VI., 312; Fleming, *Documentary Hist. of Reconstruction*, I., 171.

cabinet was evenly divided on this question.[1] Chief-Justice Chase, who travelled during May along the whole Atlantic coast from Washington to Key West, sent back a stream of letters representing that both the conditions and the opinions that obtained in the South favored reorganization through negro suffrage.[2] But Johnson had none of the brilliant illusions that beset the chief-justice and the other radicals as to the political capacity of the blacks, and he lacked, moreover, the audacity of conception which found constitutional warrant for a determination of suffrage qualifications by executive decree. His decision, therefore, was for leaving the reorganization to the old white electorate. The possibility and the desirability of a later extension of the suffrage by degrees to the freedmen, through action of the new state governments themselves, he did not question.[3]

The North Carolina proclamation, in addition to its directions for the organization of a state government, embodied formal commands to the Federal heads of departments to resume the performance of their duties within the limits of the state: the treasury was to begin the collection of taxes; the post-office was to renew its service; and the district courts and marshals were to take up the administration

[1] Cf. Rhodes, *United States*, V., 524, and his authorities.

[2] These letters of Chase are in the MS., *Johnson Papers*; cf. also Schuckers, *Chase*, 520.

[3] Despatch to Governor Sharkey, Garner, *Reconstruction in Miss.*, 84.

of justice. Side by side, thus, with the military authority of the United States was to be put in operation, as fast as the offices could be manned, the regular processes of civil government so far as these fell within the Federal sphere.

At intervals from June 13 to July 13 proclamations identical in tenor with that affecting North Carolina named provisional governors and re-established the Federal administration in the remaining six states of the Confederacy. The provisional governors, as soon as they were installed in power, proceeded first to revive the local administrative authorities, which had been dormant since the suppression of the old state governments. County and municipal officials who had ceased to act when the United States troops took possession of a state were ordered to resume their functions, taking the amnesty oath as a part of their qualification. Next the provisional governor took the necessary steps for the election and assembling of a constitutional convention. The first of these bodies to complete its work was that of Mississippi, which adjourned August 24, and the last to finish was that of Texas, on April 6, 1866; all the other conventions held their sessions during September and October, 1865.

The first function of these conventions was to signify by formal public acts the acceptance by the respective states of the results of the war. Through the provisional governors it was ascertained what the president would regard as an adequate expres-

sion of such acceptance. Following the suggestions thus procured, the conventions first declared the invalidity of the ordinances of secession, South Carolina and Georgia by repealing, Florida by annulling, and the rest by proclaiming null and void the obnoxious acts.[1] Next slavery was declared abolished forever. Finally, the state debts contracted in aid of the war against the United States government were repudiated, except in South Carolina.[2] Having performed these essential duties, the conventions made such modifications in the old state constitutions as the new situation required, and then adjourned *sine die*, leaving to the legislatures, for which provision was duly made, the task of further promoting the social reorganization. During October and November elections were held in most of the states, and governors and legislatures under the new constitutions were chosen. The legislatures, when they met—as they did very promptly in most cases—were confronted with the suggestion, scarcely less imperative than a command, that they ratify the Thirteenth Amendment. This requirement also was satisfied by all except Mississippi.[3] By the end of the year the provisional governors had been relieved of their offices in all the states but Texas, and the civil governments that had

[1] On the import of these various forms, see Garner, *Reconstruction in Miss.*, 91.

[2] *Am. Annual Cyclop.*, 1865, p. 761 et seq.

[3] Garner, *Reconstruction in Miss.*, 120.

been organized under their direction were in the full exercise of their functions.

This restoration of self-government was not, however, accompanied as yet by the withdrawal of military authority. December 1 the president revoked the suspension of the writ of *habeas corpus* for all the United States except the states of the former Confederacy, Kentucky, the District of Columbia, and the territories of Arizona and New Mexico.[1] On April 2, 1866, he formally declared the rebellion at an end in all the seceded states except Texas.[2] When the process of reorganization had at last been completed in that state, the president proclaimed, August 20, 1866, the complete restoration of peace, order, tranquillity, and civil authority throughout the United States.[3]

At the date of this official announcement that peace and tranquillity had been restored, the country was in fact convulsed with a political conflict only less demoralizing than the conflict of arms which it followed. The causes of this situation are to be found in currents of public and party feeling that were set in motion by the progress of the administration's policy in the South. President Johnson, at his accession to power, manifested, as we have seen, no little sympathy with some beliefs which were characteristic of the radical wing of the Union party.[4] As his policy was developed by the ap-

[1] Richardson, *Messages and Papers*, VI., 333.
[2] *Ibid.*, 429. [3] *Ibid.*, 434.
[4] See above, p. 20; cf. Rhodes, *United States*, V., 521 et seq.

pointment of the provisional governors, his radical leanings became continually less conspicuous; till by midsummer those politicians who had had the brightest hopes were in despair of any settlement that would realize their chief aims. These aims included the proscription of the Confederate leaders, extensive confiscation of plantations in the South, the enfranchisement of the freedmen and the postponement of political reorganization in the states till the continued ascendency of the Union party could be insured.[1] As the administration's policy was unfolded, it was obviously incompatible with every item of this programme. What hope of proscription was held out by the numerous exceptions from the privilege of amnesty, was extinguished by the liberal issue of special pardons to individuals who applied.[2] Confiscation was stopped short by the attorney-general's opinion that property which had been seized by the Federal authorities under the confiscation acts must be restored to the pardoned owners.[3] Negro suffrage was doomed by the franchise provisions of Johnson's proclamations; and the haste with which reorganization was pressed to completion in state after state filled the radicals, and not a few others as well, with gloomy forebodings of a reunited Democracy sweeping the Union men out of their control of the national government.

[1] Cf. Fleming, *Documentary Hist. of Reconstruction*, I., 137–153.
[2] Cf. Blaine, *Twenty Years of Congress*, II., 76; Bancroft, *Seward*, II., 448. [3] McPherson, *Hist. of the Rebellion*, 148.

The president, when once his purpose of making examples of certain leaders had been forced into the background, pushed energetically the policy of mercy, conciliation, and an immediate restoration of the old Union and the old constitutional relations. Involved in the policy was a clear and promising scheme of party readjustment. The radicals of the Union party he had no hope of pleasing, or desire to please, and these he could dispense with. But the great mass of conservative men in that party he and his advisers believed they could hold by the policy they had adopted; and the loss of support from the radicals could be compensated by the adhesion of Democrats, who, very early in Johnson's administration, began to manifest approval of his views.[1] In the South, when party life should be renewed, it could be anticipated that gratitude would bring a large following to the president's support. Thus there was fair promise of an administration party which, strong in both sections of the reunited nation, would be opposed only by impotent sectional factions — the radicals and remnants of the Copperhead Democracy in the North, and in the South the fragments of irreconcilable secessionism.

That there was good ground for the president's hope in this matter seemed demonstrated by the approving interest with which the progress of reorganization in the South was followed in the North. The

[1] Letters of Senator Dixon, of Conn. (May 5), and Montgomery Blair (June 16), in MS., *Johnson Papers*.

general tone of public opinion was clearly favorable.[1] Yet every manifestation of the social and political feeling that prevailed among the conquered people was closely watched by both official and unofficial agencies of northern opinion; and when it became evident that some of the restored states would be ready for admission to the national councils as soon as Congress should assemble in December, 1865, the bearing of the situation on party politics stimulated the most careful scrutiny of the conditions in the South.

The men whom Mr. Johnson appointed to supervise reorganization, the provisional governors, were all chosen because of their record as opponents of secession either before or during the war. They were mostly former Whigs, and they represented a discredited minority in the population of every southern state. The same was true of the controlling element in the various state conventions. While amnesty and pardon and a returning interest in politics enabled considerable numbers of active secessionists to serve as delegates, they in no state took the lead in the actual work of the convention. But each further step in the process of reorganization brought to the front an increasing proportion of those who had been conspicuous in the military or civil service of the Confederacy. Thus the newly chosen governor of South Carolina had been a Confederate senator; the governor of Mississippi had been a brigadier-general in the Confederate army;

[1] Rhodes, *United States*, V., 533.

a late major-general in that army was elected a congressman in Alabama; and the legislature of Georgia elected as United States senator no less distinguished a personage than Stephens, late vice-president of the Confederacy. Such facts had a very disquieting effect in the North. Yet they were to the South normal and inevitable; for the supporters of the Confederate cause embraced not only the great majority numerically of the population, but also the best that it could offer in the way of political experience and ability. The opponents of secession embodied none of the qualities which could enable them long to possess the confidence of the electorate. But in the North the reappearance of the ex-Confederates in politics was widely proclaimed and felt to be a mere gratuitous exhibition of contumacy and impenitence by those in whom quite the opposite spirit would be decent and appropriate.

The other feature of the southern situation in respect to which the interest and scrutiny of the North were most keen, was the attitude of the new governments and the white population in general towards the freedmen. Through the summer of 1865 many sporadic instances of friction between blacks and whites were reported, mostly from the towns, where the idle and vicious of both races were numerous, or from the rural regions where the class of poor whites predominated, with their ingrained antipathy to the negroes. Northern newspaper correspondents of radical leanings dwelt at length

upon the tone of contempt for the blacks, and of indifference towards their fate, which pervaded the conversation of even the more intelligent classes of the southern whites.[1] This signified to the bearers of the anti-slavery tradition that while emancipation might be recognized by the whites as an immutable fact, liberty in all its fulness would not be conceded to the freedmen.

During the autumn the demoralization of the blacks resulting from their sudden freedom reached its maximum. From every part of the South came complaints that the negroes were refusing to make contracts for labor in the next planting season, and were manifesting a hope and a purpose of appropriating the land of their former masters. There was revealed a wide-spread belief among the blacks that at New Years the United States government would endow every former slave with a farming outfit, the normal measure of which was to be "forty acres and a mule." The obvious source of this idea was the activity of the Freedmen's Bureau, that mysterious Providence which had inspired its wards with an unbounded confidence in the wonder-working capacity of the power which it represented. Though the officials of the bureau strove energetically to destroy the misleading belief of the freedmen and to counteract its baneful influence,[2] it long persisted in one

[1] Andrews, *South since the War*, 25, 87, 100 et passim.

[2] See circular letter of Commissioner Howard, November 11, 1865. *House Exec. Docs.*, 39 Cong., 1 Sess., No. 70, p. 198

form or another and played its part in forcing the races asunder.

The uneasiness among the blacks during the autumn gave rise to corresponding uneasiness and fear among the whites, and in a number of states, where Federal troops were too few to provide adequate protection, local militia companies were formed by the whites for the purpose. This caused bad feeling at the North, being represented as a movement to reconstitute Confederate army organizations for the purpose of oppressing the negroes and Union men.[1]

But in spite of all the difficulties which his policy involved, and all the evidence which appeared that it would meet with strong opposition in Congress when that body assembled, the president pursued unflinchingly the line which he conceived had been marked out for him by the Constitution. He took great pains to keep himself informed as to the trend of conditions and sentiment among the whites of the South. Besides the unsolicited information with which he was deluged, he received extended reports from certain persons whom he had designated specifically to travel through the southern states, investigate the situation, and keep him informed in regard to it.

Such reports were furnished by Henry M. Watterson, a Kentucky journalist, by General Carl Schurz, a well-known Republican politician and army officer, and by Benjamin C. Truman, a New York journal-

[1] Cf. Garner, *Reconstruction in Miss.*, 99 et seq.

ist. Watterson and Truman found conditions generally to be such as to justify the policy which the president was carrying out: the influential classes of whites had accepted in good faith their defeat, and could be depended upon to maintain loyal state governments; the freedmen, while greatly demoralized and subject to abuse at the hands of vicious and low-class whites, would receive substantial justice through the better classes, and in time would settle quietly into that position in southern society to which their usefulness and ability entitled them; and finally, enfranchisement of the blacks was so bitterly opposed by all classes of whites that it would, if insisted upon, lead to far worse evils than could ever exist without it. General Schurz, on the other hand, found no influential class in the South whose loyalty was more than reluctant submission to overwhelming force, or who could be depended upon to conduct state governments in accordance with the dictates of a national spirit; found the freedmen and Unionist whites the victims of a brutal ferocity which only the display of national force could restrain; was convinced that the whites would retain, through some system of peonage, all the incidents of servitude save the chattel ownership; and, finally, declared that negro suffrage was the only means through which a degree of order could be secured which would permit the withdrawal of the national authority and the assumption of full control by the state governments.

President Johnson does not seem to have contemplated any more formal report from these various agents than the despatches and letters which they sent from different points when on their travels.[1] But Schurz was so impressed with the importance of his own views that, after his return in October from his three months' trip, he insisted, despite the president's intimation that it was not necessary, upon embodying them in a long, skilfully constructed and fully documented report, which was sent to the president. This paper, the existence of which was well known to the radicals, with whom Schurz affiliated, was promptly called for by the Senate[2] when Congress met, and became at once a leading item in the case which was made up for the public against the president's policy. To counteract its influence Johnson sent with it a brief report by General Grant of impressions gained on a short tour through some of the southern states in November. Grant's ideas went wholly to support the president's policy. Some months later, April 6, 1866, when Truman had completed his thirty-one weeks of southern travel, he also prepared a formal summary of his conclusions, which was duly transmitted to Congress.[3] This paper traversed Schurz's opinions, which it was obviously written to controvert, and

[1] Most of the letters exist only in MS. in the *Johnson Papers*.

[2] *Senate Exec Docs.*, 39 Cong., 1 Sess., No. 2; numerous extracts from the report in Fleming, *Documentary Hist. of Reconstruction*, I., passim.

[3] *Senate Exec. Docs.*, 39 Cong., 1 Sess., No. 43.

brought to the support of the president's policy a better balanced judgment and a saner philosophy than the radical champion had displayed.

By the time Truman's report was written, however, the question of policy towards the South had passed the point where either testimony as to facts or sober estimates of philosophy played a leading part. Sectional passion and partisan political emotion had taken the first place; and this had come to pass through the spirit which attended the proceedings in Congress.

CHAPTER IV

THE FIRST CONGRESSIONAL POLICY OF RECONSTRUCTION

(1865–1866)

THE Congress which assembled on December 4, 1865, was the product of the elections at which the Union party, with Lincoln and Johnson, had been victorious in 1864.[1] In both House and Senate the Democrats had but small delegations. Among the majority there prevailed, of course, the same variety and uncertainty of opinion about reconstruction that were prevalent among the people at large; but the initiative in action was taken by the opponents of the president's policy, and was skilfully employed to commit the two houses to an attitude of hostility. Led by Thaddeus Stevens, of Pennsylvania, the most uncompromising of radicals, the majority in the House of Representatives denied to the members-elect from the rebel states even the recognition usually accorded to claimants for seats, and pressed through a resolution, to which the Senate promptly agreed, creating a joint com-

[1] See Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), chap. ix.

mittee of fifteen on the condition of the states of the late Confederacy, with authority to report whether any of them were entitled to be represented in either house of Congress.[1] Thus originated the famous reconstruction committee, which was to play so conspicuous a part in the political drama now beginning; and thus was announced the congressional purpose that the organizations which had been created by the president in the South should not receive immediate, perhaps not eventual, recognition as legitimate state governments.

The chief motive in determining this attitude of Congress was, not a definite rejection of Johnson's view as to restoration, but a purpose to assert the right of Congress to a decisive voice in the matter. It was to the *esprit de corps* of the legislature, as against the overgrown pretensions of the executive, that the most effective appeals were made by the radical leaders, Stevens and Sumner. These men could not have carried with them a majority of either house—probably not a majority of the non-Democratic members in either—for a proposition to discard the president's plan; but for a proposition to hold it in abeyance till Congress could formulate an independent judgment on the question involved, it was easy to win a decisive majority. The message which President Johnson sent to the two houses on December 5 was an exceedingly strong and judi-

[1] Blaine, *Twenty Years of Congress*, II., 112, 126; Rhodes, *United States*, V., 545.

cious presentation of the principles, both of law and expediency, on which his proceedings in the South had been based; and the reception of the document throughout the land indicated clearly that no hasty breach with the president would be approved by public opinion.[1] Hence the shrewd resolution of his adversaries to hold the main issue in suspense under cover of insistence on the legislative prerogative.

Pending the formulation by the joint committee of some definite policy in reference to the readmission of the states, an effective appeal to northern sentiment was made by giving all possible prominence to the question as to the apportionment of representatives. Slavery perished finally in the United States through the formal announcement by Secretary Seward, December 18, 1865, that the Thirteenth Amendment, having been ratified by twenty-seven states, constituting three-fourths of the whole number, was regularly in force.[2] Thereupon the constitutional provision which excluded two-fifths of the slaves from the population by which the number of representatives in Congress for any state was determined became of no effect, and each of the former slave states was entitled to an increase of members. That the result of the war should be an accession of influence in Congress to the South,

[1] The message was written by George Bancroft. See Dunning, in Mass. Hist. Soc., *Proceedings*, November, 1905.

[2] McPherson, *Hist. of Reconstruction*, 6.

was a proposition which few northerners could contemplate with entire equanimity. From the opening of the session, therefore, a readjustment of the basis of apportionment became a central topic of discussion;[1] and the radicals were gratified to find in this an effective justification for postponing the readmission of the southern states.

But this matter of the increase of southern representation, like that of asserting the legislative authority against the executive, had its effect more among the politicians in and out of Congress than among the masses of northern voters. The latter were much more deeply and generally moved by the attitude of the new southern legislatures towards the freedmen. Whatever differences of opinion there had been in the North as to the relation of slavery to the war, and as to the manner and means of abolition, there was but a negligible element of the northern people who did not feel and express great satisfaction that the troublesome institution was gone. For decades it had been persistently preached that slavery was the source of all our national ills; hence the adoption of the Thirteenth Amendment was felt to be necessarily the inauguration of a grateful and permanent relief from the eternal African in politics. Indignation and anger were therefore widely manifested when the radicals not only asserted, but were able to present plausible proofs of their assertion, that the southern legis-

[1] Blaine. *Twenty Years of Congress*, II., 129.

latures, even while ratifying the Thirteenth Amendment, were enacting laws which preserved the substance though avoiding the name of slavery.

Legislation to bring some degree of order out of the existing social and industrial chaos was naturally the earliest task undertaken by the governments organized under the president's guidance. Of this necessary legislation the chief requirement was that the status and rights of the freedmen should be precisely defined. Mississippi, the first of the restored states to act, completed her legislation just before Congress met,[1] and it was from her laws chiefly that the radicals in the North drew the material for their agitation over the so-called "black codes." The other states, except Texas, worked out their enactments during the winter. Though there were great differences among the various bodies of legislation, all alike were involved in the condemnation which derived its principal effectiveness from features which appeared in but one or two.[2]

The fundamental characteristic of the legislation was that it set off the hitherto servile race as a distinct class, designated generally as "persons of color," consisting of all who had in them a specified proportion, usually one-eighth, of negro blood.

[1] Garner, *Reconstruction in Miss.*, 113.

[2] For the laws in full, see session laws of the various states. Summary in McPherson, *Hist. of Reconstruction*, 29; many examples in Fleming, *Documentary Hist. of Reconstruction*, I., 273–312.

To this class were assigned the ordinary civil rights —to make contracts, to sue and be sued in the regular state courts, to acquire and hold property, and to be secure in person and estate. But at the same time various restrictions and qualifications were imposed which placed persons of color on a different plane from the whites. In some of the states the inferior class were forbidden to carry weapons except after obtaining a license; in many they could be witnesses in court only in cases involving parties of their own race; and in practically all they were subject to special formalities and penalties in connection with contracts for labor. The laws concerning vagrancy, also, were full of discriminations and in many cases assured to the white magistrates wide discretion in stamping blacks as vagrants, and assigning them to the highest bidder to work out fines.

Mississippi, Louisiana, and South Carolina furnished the most notorious features of this legislation. In Mississippi the freedmen could not own land, nor could they even rent it save in incorporated towns.[1] A local ordinance in Louisiana required every negro to be in the regular service of "some white person, or former owner, who shall be held responsible for the conduct of said negro."[2] South Carolina forbade persons of color to engage in any trade or business other than husbandry and farm

[1] Fleming, *Documentary Hist. of Reconstruction*, I., 286.
[2] *Ibid.*, 280.

or domestic service, except under a license requiring a substantial annual fee; and in the code concerning master and servants embodied many rules that strongly suggested those formerly in force as to master and slave.[1]

To a distrustful northern mind such legislation could very easily take the form of a systematic attempt to relegate the freedmen to a subjection only less complete than that from which the war had set them free. The radicals sounded a shrill note of alarm. "We tell the white men of Mississippi," said the Chicago *Tribune*, "that the men of the North will convert the state of Mississippi into a frog-pond before they will allow any such laws to disgrace one foot of soil over which the flag of freedom waves."[2] In Congress, Wilson, Sumner, and other extremists took up the cry, and with superfluous ingenuity distorted the spirit and purpose of both the laws and the law-makers of the South.[3] The "black codes" were represented to be the expression of a deliberate purpose by the southerners to nullify the result of the war and to re-establish slavery, and this impression gained wide prevalence in the North.

Yet, as a matter of fact, this legislation, far from embodying any spirit of defiance towards the North or any purpose to evade the conditions which the

[1] Fleming, *Documentary Hist. of Reconstruction*, I., 298 et seq.
[2] Quoted by Garner, *Reconstruction in Miss.*, 115 *n.*
[3] *Congressional Globe*, 39 Cong., 1 Sess, 39, 90; cf. Blaine, *Twenty Years of Congress*, II., 94 et seq.

victors had imposed, was in the main a conscientious and straightforward attempt to bring some sort of order out of the social and economic chaos which a full acceptance of the results of war and emancipation involved.[1] In its general principle it corresponded very closely to the actual facts of the situation. The freedmen were not, and in the nature of the case could not for generations be, on the same social, moral, and intellectual plane with the whites; and this fact was recognized by constituting them a separate class in the civil order. As in general principles, so in details, the legislation was faithful on the whole to the actual conditions with which it had to deal. The restrictions in respect to bearing arms, testifying in court, and keeping labor contracts were justified by well-established traits and habits of the negroes; and the vagrancy laws dealt with problems of destitution, idleness, and vice of which no one not in the midst of them could appreciate the appalling magnitude and complexity. A few of the enactments, such as that of Mississippi excluding the blacks from leasing agricultural land, were clearly animated by a spirit of oppression, reflecting the antipathy of the lower-class whites to the negroes; and others doubtless were lacking in practical sagacity and in the nicest adaptation to the purpose in hand; but, after all, the greatest fault

[1] See views of southerners in Fleming, *Documentary Hist. of Reconstruction*, I., 247 et seq.; Herbert, *Why the Solid South*, 31; Rhodes, *United States*, V., 556.

of the southern law-makers was, not that their procedure was unwise *per se*, but that, when legislating as a conquered people, they failed adequately to consider and be guided by the prejudices of their conquerors. Sagacious southerners warned the legislators that some of their acts would produce a dangerous effect in the North.[1] But the personnel of the new governments did not include the most shrewd and experienced politicians of the states, and the legislatures, in yielding to the tremendous pressure of social and economic distress, set lightly aside some very urgent considerations of political expediency.

To the congressmen who were seeking for grounds on which to retard the restoration of the rebel states, this legislation was a welcome resource. The first effect of it was the Freedmen's Bureau bill, which Mr. Trumbull reported to the Senate from the judiciary committee, January 5, 1866.[2] This bill proposed to extend the powers and territorial sphere of the bureau, and to remove the limitation by which the institution was to expire one year after the termination of the war. It was designed thus to continue for an indefinite period the protection of the freedmen by Federal military power against state legislation. As the president was known to have been much annoyed by some feat-

[1] Garner, *Reconstruction in Miss.*, 116; Fleming, *Civil War and Reconstruction in Ala.*, 378.

[2] *Cong. Globe*, 39 Cong., 1 Sess., 129.

ures of the "black codes," it was anticipated that he might assent to such qualification of his plan for immediate restoration as would be involved in an enlargement of the bureau's functions. But though the bill passed by great majorities in both houses, Mr. Johnson met it with a veto, February 19,[1] and thus formally opened the breach with Congress which was to be his undoing.

In deciding to use his veto against this bill, the president was much influenced by considerations apart from the merits of the particular measure. His combativeness had been roused by the strictures of the radicals on his policy, and his reverence for the old-time Constitution was outraged by the flouts and jeers with which they assailed that sacred law. So far as concerned protection of the freedmen against the more oppressive provisions of the "black codes," practically as much as was authorized by the bill had been done by action of the existing bureau and the military commanders, and Johnson had expressed no disapproval of this action.[2] But he professed to find in the proposition to authorize such protective procedure by law a dangerous infringement of the Constitution. What was most active in his mind was revealed by those paragraphs of his veto message in which he protested strongly against the idea that Congress could ex-

[1] Richardson, *Messages and Papers*, VI., 398.

[2] See orders of Sickles and Terry, in South Carolina and Virginia, McPherson, *Hist. of Reconstruction*, 36, 41.

clude states from representation. He feared the purpose of the radicals to keep out the southern representatives till some scheme of negro suffrage could be adopted, and this fear had a substantial ground in a bill for enfranchising the blacks in the District of Columbia, which the House had passed in January.[1]

As a matter of fact, the radicals were at this time by no means in control of the situation, and moderate men were seeking diligently for some way of getting on peaceably with the president.[2] On the issue presented by the veto, however, the congressional *esprit de corps* was aroused, and the feeling which antagonized the reconstruction policy of Abraham Lincoln in 1864[3] was easily directed to the ruin of Andrew Johnson's policy two years later. On the Freedmen's Bureau bill the president was successful. The vote in the Senate in favor of overriding the veto fell a little short of the requisite two-thirds;[4] but this was the last victory which the record was to show for Mr. Johnson. On the very day on which the Senate voted—though the coincidence was probably fortuitous[5]—the House adopted a concurrent resolution declaring that no senator or representative should be admitted from any insur-

[1] McPherson, *Hist. of Reconstruction*, 115.
[2] Rhodes, *United States*, V., 572 et seq.
[3] Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), 139.
[4] McPherson, *Hist. of Reconstruction*, 74.
[5] Blaine, *Twenty Years of Congress*, II., 203.

rectionary state until Congress should have declared the state entitled to representation. This resolution the Senate adopted, March 2, 1866, and thus committed Congress to an attitude which was absolutely irreconcilable with the president's reiterated constitutional doctrine. After this action, one side or the other must give way or be overridden; and neither Andrew Johnson nor the group of strong and positive men who led Congress was likely to give way.

The feelings which animated the president were very fully revealed to his fellow-citizens by a long speech which he delivered to a serenading party on February 22, just when the veto and the House resolution were most before the public.[1] Contemporaneous and subsequent comment on this speech has devoted disproportionate attention to a few passages which manifested Johnson's tendency to offensive egotism and personalities in public speaking;[2] if these accidents be relegated to their proper significance, the speech is a useful complement to the veto message in estimating the influences which led him, in his rage against the radicals who were harrying him, to strike at Congress as a whole. That the bad taste of some parts of the speech did not obscure the importance of the rest, is indicated by a note to Johnson from Thurlow Weed: "I want to thank you with my whole grateful heart for your

[1] McPherson, *Hist. of Reconstruction*, 58.
[2] Rhodes, *United States*, V., 575.

glorious speech of yesterday. It vindicates and saves our government and our Union."[1]

Johnson was soon obliged to confront another measure which was much more subversive than the Freedmen's Bureau bill of his most cherished constitutional convictions. This was the Civil Rights bill, designed to secure to the freedmen through the normal action of the courts the same protection against discriminating state legislation that was secured in the earlier bill by military power. It declared the freedmen to be citizens of the United States, and as such to have the same civil rights and to be subject to the same criminal penalties as white persons; and it provided with great fulness for the punishment of any one who, under color of state laws, should discriminate against the blacks. It was a plain announcement to the southern legislatures that, as against their project of setting the freedmen apart as a special class, with a status at law corresponding to their status in fact, the North would insist on exact equality between the races in civil status, regardless of any consideration of fact. The constitutional questions involved in this measure were of the most profound and intricate nature, and the theory of citizenship which it embodied was such as to make conservative constitutional lawyers stare and gasp. But Senator Trumbull, a former state-rights Democrat, who was in charge of the project, outdid himself in the ingenuity of his legal

[1] MS., *Johnson Papers.*

defence,[1] though in doing so he ran counter to all the traditions of his professional past.

The president was in no mood now to run counter to his constitutional past, and he vetoed the bill, March 27, 1866. The objections set forth in his message[2] were chiefly of a technical legal character, but at the end of the document appeared what was uppermost in his mind—that the bill embodied an unheard-of intrusion of the Federal government within the sphere of the states, and was a stride towards centralization. He stood stiffly on his belief that the situation in the South involved no conditions which required for their treatment a break with the ancient political system. The Senate now parted finally from him, and passed the bill over his veto April 6.[3] The House had from the beginning of the session submitted passively to the aggressive leadership of Stevens, and voted every measure that his policy required.

This veto made irreparable the breach between the president and Congress. Such a result was foreseen while the measure was pending, and in consequence strong pressure was exerted to secure the executive consent. The cabinet favored the bill, four to three,[4] and influential men throughout the

[1] *Cong. Globe*, 39 Cong., 1 Sess., 500, 1755; cf. Dunning, *Essays on the Civil War and Reconstruction*, 93.

[2] Richardson, *Messages and Papers*, VI., 405.

[3] McPherson, *Hist. of Reconstruction*, 81; for the exciting incidents of the vote, see Rhodes, *United States*, V., 584 et seq.

[4] Rhodes, *United States*, V., 583.

land, cognizant of the currents of northern popular feeling, urged Johnson to sign it.[1] But at Washington the radicals were in full hue and cry against the president, especially since his Washington's Birthday pronunciamento, and he was too old a campaigner to shrink from a fair and square fight for his ideas.

The definitive announcement of the ground on which Congress would plant itself for the conflict with the president was made through the joint committee on reconstruction. In its membership, and in the strenuous controversy in the midst of which its conclusions took form, this body reflected faithfully the diversity of sentiment among the congressional majority. Howard, of the Senate, and Stevens and Boutwell, of the House, were radicals of the extremest type; while Fessenden and Grimes, of the Senate, and Bingham and Conkling, of the House, stood conspicuous for ability among the holders of moderate views in the majority. Senator Reverdy Johnson and Representatives Grider and Rogers, who represented the minority on the committee, were quite overwhelmed by the number of their opponents, and could make little impression. From January to May the committee took testimony in reference to conditions in the South. On the last day of April it reported to the houses the measures which embodied its plan of reconstruction, and later

[1] Cf. letters from H. W. Beecher and J. D. Cox, in MS., *Johnson Papers*.

submitted a report, signed by the majority members, which constituted an *exposé de motif* for the proposed legislation.[1]

In both the concrete measures reported and the argument by which they were justified the exigency of the pending conflict with the executive was more obvious than any distinct and self-consistent solution of the complex problems at issue. The majority report evaded any thoroughgoing discussion of the constitutional questions of state status, in which the strength of the president's case lay, but put the chief stress on the right of Congress to say the final word as to the restoration of the insurgent communities, and on the evidence that the white people of the South were still rebellious and impenitent in spirit, bent on oppressing the freedmen and white Unionists, and eager for representation in Congress only in the hope of regaining thus the power and influence which they had lost by the resort to arms. The measures reported by the committee were, first, a proposition for a fourteenth amendment of the Constitution; second, a bill providing that when this amendment should become law any of the rebel states which had ratified it might have representatives in Congress; and, third, a bill declaring ineligible to any office in the Federal government certain classes of high officials of the Confederacy. These

[1] For the complete report of the committee, with the testimony, see *House Reports*, 39 Cong., 1 Sess., No. 30; also, without the testimony, in McPherson, *Hist. of Reconstruction*, 84.

measures, taken in connection with the committee's report, revealed the plan on which the majority in Congress proposed to appeal to the people against the policy of the president. The plan was, in essence, to deny the privileges of statehood to the southern communities until the guarantee of certain results of the war, as the North conceived them, should be incorporated in the Constitution, and should be formally consented to by the southerners themselves.

The proposed amendment to the Constitution was that which, with some modification, stands as the Fourteenth Amendment to-day. It embodied, first, a guarantee of citizenship and of equality in civil rights to the freedmen, thus providing against any judicial or congressional nullification of the civil rights act. In the second section the amendment dealt with the vexed question of apportionment, and combined it with that of negro suffrage in such a way that the additional representatives due to the South as a result of emancipation could be secured only through enfranchisement of the freedmen, while, conversely, the failure to enfranchise would entail a loss of representatives. The third section disqualified for either Federal or state office all persons who, after having taken the official oath to support the Constitution, had participated in rebellion. By the fourth section the validity of the United States debt was formally asserted, and the rebel debt in all its forms, together with all claims for emancipation of slaves, was declared void.

This amendment, as a whole, signified a resolute purpose in the leaders of the majority to subordinate all factional differences to the one end of successful opposition to the president. The subjects dealt with were most diverse in legal and practical significance, and the chances were slight that any one of the sections could, on its merits alone, have secured a two-thirds vote in each house; but united by the bond of a relation to the issues of the war, and sustained by the pressure of partisan political necessity, they served to support one another and to consolidate the requisite majority. The amendment was finally passed, June 13, 1866, and sent to the states for ratification.

A month later a bill continuing the Freedmen's Bureau for two years was passed over the president's veto.[1] This action was in some sort a vote of confidence in the bureau as against the serious disparagement it had received through an investigation of its practical workings by Generals Steedman and Fullerton, under the direction of the president.[2] The new law insured the existence of the bureau, with other important advantages to the radical cause,[3] against any action that Johnson might have taken to abolish it on the ground that the limit fixed by

[1] Fleming, *Documentary Hist. of Reconstruction*, I., 321.

[2] Peirce, *Freedmen's Bureau* (Univ. of Iowa, *Studies*, III.), 64 et seq.

[3] Steedman to the president, June 26, 1866, in MS., *Johnson Papers*.

the original act, one year after the end of the war, had been reached.

With this achievement the development of the congressional plan ceased. The two bills reported with the proposed amendment were not pushed to enactment. They involved constitutional questions which would excite much debate, and it was not in such questions that the congressional party found its best opportunity for appeal to northern popular sentiment. There were many indications of a widespread regret in the North that circumstances required the continued exclusion of the South from representation; and the adversaries of the president were unwilling to alienate those who felt this regret by a formal declaration that admission to Congress must be preceded by so distasteful an act as ratification of the proposed amendment. Pending the elections, the discreet attitude of the Congress party would be that of sympathy with the desire for speedy restoration, and sadness that the perversity of the southerners rendered some delay inevitable.

It was partly through this policy that the restoration of Tennessee was voted just at the end of the session. The exclusion of that state had always been a weak spot in the case of the Congress party, owing to the exceptional size and position of the Union element in the population. That element, headed by the eccentric and violent "Parson" Brownlow, who was governor, controlled the legislature, and accordingly the proposed amendment was ratified

with great promptness, July 19, 1866.[1] Though the state had not enfranchised the freedmen, it had disfranchised all Confederate sympathizers, and this was assumed to be an equivalent by the moderates in Congress, who were anxious to give some evidence of interest in early restoration. Accordingly, against radical opposition, a bill restoring Tennessee became law, July 24, 1866.[2]

[1] For the methods employed, see Fertig, *Secession and Reconstruction in Tenn.*, 77 et seq.; *Am. Annual Cyclop.*, 1866, p. 729.

[2] McPherson, *Hist. of Reconstruction*, 152; *Cong. Globe*, 39 Cong., 1 Sess., 3999 et seq., esp. remarks of Brown and Sumner.

CHAPTER V

THE JUDGMENT OF NORTH AND SOUTH ON RECONSTRUCTION

(1866–1867)

SOME time before Congress ended its labors, the political campaign was in full swing which was to determine whether the presidential or the congressional plan of dealing with the South had the first place in the favor of the people. The two coordinate political departments of the national government were in immovable deadlock, and only a decisive expression of public opinion in the elections could relieve the situation. Moreover, there was a single concrete result which was to be conclusive as to the popular will—namely, the political complexion of the Fortieth Congress, the representatives of which were to be chosen in the autumn. There would be no need for ingenious interpretations of state elections to deduce the sentiment of the people on the national issue: if the result showed a majority in the next Congress against the president, his policy would be doomed; if the majority proved to be with him, the policy of Congress would be doomed. No other element entered into the problem.

Mr. Johnson manifested a perfect confidence that in a direct appeal to the people he would be fully sustained in the attitude he had taken towards the radicals and towards the congressional politicians. But by midsummer his project of carrying with him the Union party as a conservative organization[1] had manifestly met shipwreck. The politicians who controlled the state and local machinery of the party from the outset manifested great uneasiness at the general movement of their old Democratic antagonists to the support of the president. This was the heyday of the spoils system; and though the Democrats, when indorsing the administration, commonly disclaimed all interest in the offices, and Mr. Johnson disregarded the urgings of practical men to use his patronage unsparingly to promote his cause, the constant trend of the Union organization was away from him. His attitude towards the moderate element of the Union party in Congress had confirmed this movement. By his course on the Freedmen's Bureau and Civil Rights bills he had alienated men like Senator Trumbull,[2] whose whole spirit was conservative, and had driven them into alliance with the radicals. Long before the end of the session of Congress it was evident to active supporters of the president that a new party organization would be necessary in order that his

[1] See above, p. 43.

[2] Ray to Montgomery Blair, April 10, 1866, in MS., *Johnson Papers;* cf. Ray to Trumbull, often, in MS., *Trumbull Papers.*

policy should be properly sustained in the approaching campaign. As early as March 6 a club was formed in Washington[1] by the leading senators and others who supported Johnson, and in the latter part of June the executive committee of this club issued a call for a "National Union Convention" to meet at Philadelphia in August.

This movement soon cleared the party situation: a new Union organization was to be effected by the supporters of the president. During July the cabinet was broken up by the resignation of Harlan, of the interior, Dennison, of the post-office, and Speed, the attorney-general, who could go no further in nominal support of Johnson when such action involved a clear breach with the old Union organization.[2] Browning, Randall, and Stanbery, who replaced the retiring officers, brought a much-needed element of vigor and aggressiveness into the politics of the administration. The subordinate offices, where hostility to the president had hitherto been encouraged, were now, by drastic application of the removing power, made to contribute what they could to the building up of the new party.[3]

It is to be noticed that in the reorganization of the cabinet the president had no recourse to the Democracy; none of the new members had ever affiliated

[1] The original draught of the call for the formation of the club is in MS., *Johnson Papers*.

[2] Speed's letter, in *Am. Annual Cyclop.*, 1866, p. 755.

[3] Fish, *Civil Service and the Patronage* (*Harvard Hist. Studies*, XI.), 180

with that party. Johnson exhibited at this crisis, as throughout his presidential career, an immovable fidelity to the conditions under which he attained to his high office. But though he gave no recognition to the Democracy, he could not prevent the Democracy from giving recognition to him. The call for the Philadelphia convention elicited a general and hearty response from the Democratic organizations, and the delegations sent from the northern states embraced a full tale of representatives of those bodies. Even the Copperhead wing was fully represented, though the participation of Vallandigham, of Ohio, the bright particular star of that element, was after some little difficulty prevented.[1]

From the South the response to the call for the convention at Philadelphia was, of course, emphatically cordial. The delegations included many of the most distinguished of the Confederates, now testifying to their desire for a fully restored Union under the president's plan. The presence of these men was one of the chief elements in the broad purpose of the promoters of the convention. It was intended to demonstrate that the true party of the Union was that which could show itself national in scope as contrasted with that whose supporters were in the North only. In an important sense the movement was one to nationalize what had hitherto been a sectional party.

[1] Rhodes, *United States*, V., 615; Randall and Browning to Johnson, August 12 and 13, 1866, in MS., *Johnson Papers*.

The convention, which assembled at Philadelphia on August 14, 1866, was an imposing demonstration of the sentiment which sustained the president's policy. Its membership and the declaration of principles which it adopted[1] made entirely clear the composition and purpose of the new party, and left in doubt only the vital matter of the extent to which it could win votes from the masses of the people. The elements conspicuous among the delegates were, first, a considerable but hardly an encouraging body of former Republicans; second, a distinguished but numerically scanty representation of northern and border-state Whigs, whose sympathies had been wholly anti-Republican but strongly Union; third, a mass of former northern Democrats, led by those who had gone into the Union party during the war, but including many prominent Copperheads; and, finally, a large body of southerners, consisting chiefly of the moderate and substantial ex-Confederates who had come to the front in the reorganized state governments.[2] The principles on which the convention placed itself were, first, that the southern whites could be and ought to be trusted to resume the autonomy which they had enjoyed before secession—that conciliation and good feeling was the true policy through which the Union was to be restored;

[1] In Fleming, *Documentary Hist. of Reconstruction*, I., 213.

[2] Blaine, *Twenty Years of Congress*, II., 220; Rhodes, *United States*, V., 614, and his authorities; the New York daily papers of August 15, 1866.

and, second, that the southern states were constitutional organizations, whose right to representation in Congress it was beyond the power of any part of the Federal government to deny or to make conditional upon any act whatever.

Against the party thus devoted to the support of Johnson were arrayed the two elements, radical and moderate, which controlled the machinery of the old Union party. The appropriation by the Philadelphia convention of the name "Union" led to much confusion in terminology; for the Congress party hotly resented the assumption by the president's supporters that they were in the truest sense the upholders of the Union. For distinction's sake the compound term "Union-Republican" was not infrequently used by the friends of Congress. "Republican" without qualification was but charily employed; for though the great mass of the Congress party had been Republicans, there were, in all but the most radical communities, considerable numbers of voters to whom the name had odious associations, and for these it was desirable to emphasize the Union rather than the Republican tradition.

To counteract the claim supported by the August convention at Philadelphia, that only the president's party was truly national, while that of Congress was purely sectional, the radicals promoted the assembling of another convention at the same place, September 3. The original call for this meeting was addressed to "The Loyal Unionists of the

South," and was designed to bring about a demonstration by the thick-and-thin opponents of secession and the Confederacy, who, through the operation of Johnson's policy, had been overwhelmed in their respective states by the popular ex-Confederates. These loyalists were, however, but a small and unimpressive element of the southern people, and could not by themselves contribute much to the cause of the Congress party. Hence the call was made to include the border states, whose delegates constituted a great majority of the convention; and in addition the congressional leaders brought together a great number of northern men, including the most prominent political supporters of their cause, to discuss the situation with the southerners. The occasion as a whole, therefore, served as a general demonstration in favor of the policy of Congress. The southern and border states delegates, meeting by themselves, agreed in bitter denunciation of Johnson and of the ex-rebels, whom he was accused of encouraging to abuse the true Union men; but the sessions degenerated at the close into an unedifying wrangle between two factions who respectively advocated and denounced negro suffrage.[1] The northerners presented and enlarged upon their doctrine that the Fourteenth Amendment was indispensable to any permanent reorganization in the South, and that it was for Congress, and not the president, to determine the conditions on which so momentous a

[1] New York *Herald*, September 8, 1866.

political problem as that of restoration should be solved.

Two other conventions illustrated the intensity of the struggle that was in progress, and signalized the formal entrance of the old-soldier influence into politics. On September 17, at Cleveland, some of those soldiers and sailors of the war who believed in the president's policy of conciliation and immediate restoration of the Union, met to formulate and discuss their ideas. On September 25 a larger though hardly a more enthusiastic body of former soldiers met in Pittsburg, and declared for Congress and its policy.[1]

In the discussion of the great issues before the people, during the whole campaign of which these conventions formed a part, much of the argument was on a very high plane. The appeal was to reason and to the sound political sense of the voters. No more serious debate, no more serious problem, had engaged the attention of the American democracy since the memorable days of 1787 and 1788, when the new frame of government was passed upon. So far as this appeal to reason was concerned, the choice between the two sides was most difficult to make. The Constitution and the precedents of the past favored the policy of the president; expediency and concern for the future gave strong support to the congressional scheme. What the outcome might have been is very doubtful had not certain incidents,

[1] Blaine, *Twenty Years of Congress*, II., 228 et seq.

at the very crisis of the campaign, served to bring into play that fervor of emotion in the presence of which the appeal to reason ceases to be of any effect.

The first of these incidents was a serious riot at New Orleans. A movement had developed in Louisiana for the introduction of negro suffrage. In the interest of this movement steps were taken to reassemble the constitutional convention of 1864.[1] The opponents of negro suffrage denied the right of the convention to resume its functions, and controversy over the matter became very fierce. July 30, 1866, the delegates who favored the reopening of the convention proceeded to assemble, according to the call, in New Orleans. A street procession of negroes, marching to the place of the meeting, became involved in brawls with the crowds of hostile white spectators, and shots were exchanged. Thereupon the police undertook to arrest the negroes, who resisted, and a warm fight ensued. The white spectators joined with the police, and the negroes fled into the building where the convention had met. Their pursuers stormed the building and shot down without mercy the blacks and many of their white sympathizers. The whole number of casualties in the affair amounted to some two hundred, of which only about a dozen were suffered by the police and their supporters.[2]

[1] McCarthy, *Lincoln's Plan of Reconstruction*, 75.
[2] *House Reports*, 39 Cong., 2 Sess., No. 16, p. 12.

In the North this tragic event was systematically exploited by the radicals as a manifestation of the spirit with which the white people of the South were animated towards the freedmen and towards loyal men in general. It was represented as a deliberate massacre, perpetrated by the rebel element of New Orleans upon those who had been faithful to the Union, and for no other purpose than to punish that fidelity. The abundant evidence of rash and unscrupulous procedure which put much of the responsibility upon the promoters of the convention was disregarded, and attention was concentrated upon the disparity in the number of casualties on the two sides and upon details of sickening brutality. These facts gave unquestionable evidence that in the heat of the combat the rage of the whites had vented itself in unnecessary slaughter of their black adversaries; but this was far from a just basis for a generalization as to the spirit of the southern people, or even of the people of Louisiana or New Orleans. Yet the influence of this affair on feeling in the North was wholly adverse to the cause of the president. It confirmed the impression which had been made by a serious conflict between roughs of the two races at Memphis in the spring,[1] and by sporadic cases of violence upon the freedmen which were carefully massed and exaggerated for partisan purposes. That the blacks were being abused was probably of less influence than the thought that the "rebels" were

[1] *House Reports*, 39 Cong., 1 Sess., No 101.

abusing them. With this reflection the emotions of the war-time revived among the northern people, and the careful balancing of arguments gave way to the passionate demand for the "results of the war"—for the visible humiliation of those who had been conquered.

A like influence in displacing reason by feeling was produced by the unfortunate enterprise of the president in taking a personal part in the campaign. Having accepted an invitation to be present at the laying of the corner-stone of a monument to Stephen A. Douglas, at Chicago, on September 6, Johnson employed the occasion to visit leading northern cities and appeal directly to the people for the cause which he represented. With a party that included Secretaries Seward and Welles, Postmaster-General Randall, General Grant and Admiral Farragut, he travelled by easy stages through New York state and northern Ohio to Chicago, and, after the ceremony there, visited St. Louis and Indianapolis on the way back to Washington. From the outset the president's speeches at the various stopping-places assumed a partisan character, abounding in self-praise and in denunciation of Congress; and at Cleveland and St. Louis interruptions of the crowd, apparently calculated, drove him to retorts and extravagances of expression which were in the last degree offensive to dignity and good taste.[1]

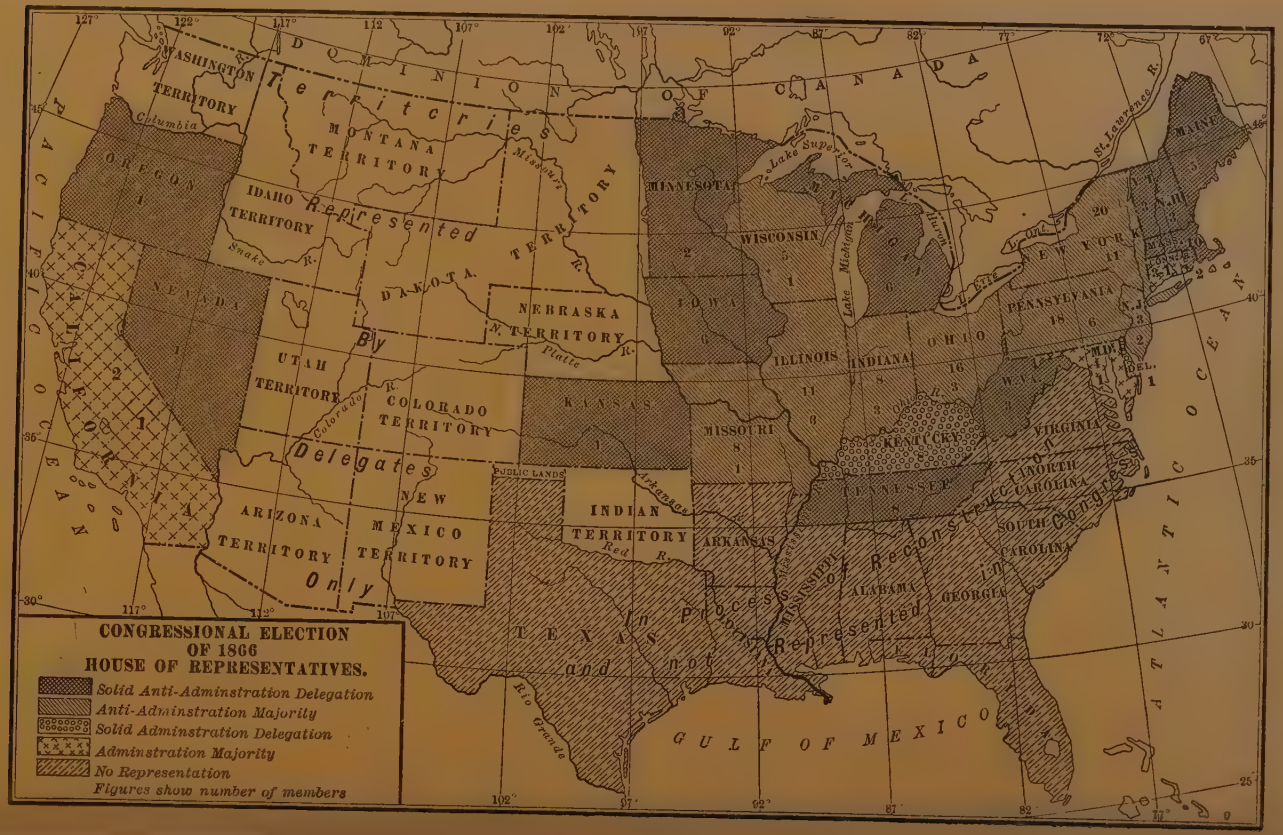
[1] For the speeches, see McPherson, *Hist. of Reconstruction*, 127. For the most favorable view of them from the stand-point of the president, cf. DeWitt, *Impeachment*, 113 et seq.

It did not need the gross perversions and exaggerations with which the opposition press reported the incidents of this tour to make it disastrous to the president's cause. He had been earnestly warned against extemporaneous speaking,[1] but he did not, doubtless could not, heed; and he paid the penalty. The unfavorable effect of his "swinging round the circle," as this tour was dubbed by the press, was discernible at once in the North. Many persons whose feelings were proof against the appeals made on behalf of the freedmen and loyalists were carried over to the side of Congress by sheer disgust at Johnson's performances. The alienation by the president of this essentially thoughtful and conservative element of the northern voters was as disastrous and as inexcusable as the alienation of those moderate men in Congress whom he had repelled by his narrow and obstinate policy in respect to the Freedmen's Bureau and Civil Rights bills.[2] It was again demonstrated that Andrew Johnson was not a statesman of national size in such a crisis as existed in 1866.

The returns of the elections, as they came in during September, October, and November, told uniformly the tale of a great defeat in the North for the president. When the record was complete, it revealed that the next House of Representatives would show, like its predecessor, a two-thirds ma-

[1] Senator Doolittle to Johnson, August 29, in MS., *Johnson Papers*.

[2] See above, pp. 60, 64.


CONGRESSIONAL ELECTION
OF 1866
HOUSE OF REPRESENTATIVES.
Solid Anti-Adminstration Delegation
Anti-Adminstration Majority
Solid Adminstration Delegation
Adminstration Majority
No Representation
Figures show number of members
DOMINION OF CANADA
Territories
Represented
By
Delegates
Only
In Process of Reconstruction
and not
Represented
WASHINGTON TERRITORY
OREGON
CALIFORNIA
NEVADA
IDAHO TERRITORY
MONTANA TERRITORY
DAKOTA TERRITORY
NEBRASKA TERRITORY
UTAH TERRITORY
COLORADO TERRITORY
NEW MEXICO TERRITORY
ARIZONA TERRITORY
KANSAS
INDIAN TERRITORY
PUBLIC LANDS
MINNESOTA
WISCONSIN
IOWA
ILLINOIS
INDIANA
OHIO
MICHIGAN
MISSOURI
KENTUCKY
TENNESSEE
ARKANSAS
TEXAS
MISSISSIPPI
ALABAMA
GEORGIA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
WEST VIRGINIA
PENNSYLVANIA
NEW YORK
MAINE
GULF OF MEXICO
ATLANTIC OCEAN
PACIFIC OCEAN
Columbia R.
Snake R.
Missouri R.
Platte R.
Colorado R.
Arkansas R.
Red R.
Rio Grande
Lake Superior
Lake Michigan
St. Lawrence R.

jority that could override any veto; and that from the Senate, as a result of the election of new legislatures, would disappear several of the small band of former Republicans who had sustained Mr. Johnson's policy. There was no room anywhere for doubt that the people of the North would support Congress as against the president in the policy of reconstruction.

What, then, was the feeling of the South as to the plan that Congress had proposed? So far as it could be expressed by the attitude assumed towards the proposed Fourteenth Amendment, a series of responses by the legislatures, beginning in October, showed that sentiment was as strongly on one side in the South as the elections showed it to be on the other side in the North. By February, 1867, ratification of the amendment had been voted down in the legislature of every one of the seceding states, except Tennessee; and the best showing in favor of ratification in any of the bodies that voted was 10 votes out of 103 in the lower house in North Carolina.[1] In three states the adverse vote was unanimous in both houses. The reasons assigned for this attitude included all of those conservative doctrines which had been so strongly urged in Congress against any change of the Constitution in respect to citizenship and the basis of representation. But especial stress was in most of the states laid upon the effects of the section imposing political dis-

[1] McPherson, *Hist. of Reconstruction*, 194.

abilities on leading ex-Confederates, which would, if ratified, depose from office very many of the chief functionaries of the existing state governments,[1] and upon the contention that, if the communities which the legislatures represented were really states of the Union, the presence of their members in Congress was essential to the validity of the amendment; while if those communities were not states, their ratification of the amendment was unnecessary. Whatever the reasons, real or nominal, the fact that the South stood solidly opposed on the great issue of reconstruction to the North was through this attitude put in the strongest and clearest light.

[1] See Fleming, *Reconstruction in Ala.*, 394; Reynolds, *Reconstruction in S. C.*, 33; Hamilton, *Reconstruction in N. C.*, 167 et seq.; *Am. Annual Cyclop.*, 1866, under the various states.

CHAPTER VI

RADICAL RECONSTRUCTION AT WASHINGTON (1866–1868)

WHEN the thirty-ninth Congress reassembled for its second session in December, 1866, the majority felt conscious of a mandate from the people of the North to disregard at discretion all that had thus far been accomplished in connection with reconstruction. The expediency, however, of a total change of policy was at first strongly opposed by the moderate wing of the party; but as the attitude of the South towards the Fourteenth Amendment became clear many of the moderate men in Congress, angered by what they considered the stubbornness of the southerners, joined the radicals in projects for an entirely new plan of reconstruction. Whether acceptance of the amendment by the southern states would have prevented this movement is more than doubtful; for the leading radicals repudiated any obligation to stand by the pledge embodied in the reconstruction committee's bill of the last session,[1] and frankly announced their purpose to insist on

[1] *Cong. Globe.*, 39 Cong., 2 Sess., 124, 128; cf. also Pierce, *Sumner*, IV., 312 *n.*

the destruction of the existing state governments in the South and on reorganization through negro suffrage.[1] But the president and most of the southerners were no less firm in their extreme views than the radicals, and left no opportunity for compromise. Movements in the South looking to acceptance of the amendment, either as it stood or with the omission of the section which imposed political disabilities, came to naught.[2] There was left no ground on which the moderate men of the majority could stand in effective resistance to the extremists, and Congress became, what it for some years continued to be, radical and revolutionary.

The leaders in the legislation which was about to supersede all that had hitherto been done towards restoring the southern states were the men who had consistently denied to the conquered communities the right to the name of state as known to the Constitution. Thaddeus Stevens and Charles Sumner now saw the triumph of their doctrines, which had long been treated with contumely and ridicule. Stevens, truculent, vindictive, and cynical, dominated the House of Representatives in the second session of this Congress with even less opposition than in the first. A keen and relentlessly logical

[1] See bills introduced by Stevens and Ashley, *Cong. Globe.*, 39 Cong., 2 Sess., 250 et seq.

[2] Fleming, *Reconstruction in Ala.*, 397; Reynolds, *Reconstruction in S. C.*, 51; Hamilton, *Reconstruction in N. C.*, 173; Sickles to the president, January 25, MS., *Johnson Papers;* Fleming, *Documentary Hist. of Reconstruction*, I., 238.

mind, an ever-ready gift of biting sarcasm and stinging repartee, and a total lack of scruple as to means in the pursuit of a legislative end, secured him an ascendency in the House which none of his party associates ever dreamed of disputing. Sumner, in the Senate, made himself felt in a far different way. His forte was exalted moral fervor and humanitarian idealism. He lived in the empyrean, and descended thence upon his colleagues with dogmas which he discovered there. However remote his doctrines from any relation to the realities of human affairs, he preached them without intermission and forced his colleagues by mere iteration to give them a place in law. He would shed tears at the bare thought of refusing to freedmen rights of which they had no comprehension, but would filibuster to the end of the session to prevent the restoration to the southern whites of rights which were essential to their whole conception of life.[1] He was the perfect type of that narrow fanaticism which erudition and egotism combine to produce, and to which political crises alone give the opportunity for actual achievement.

Of the lesser lights of the radicalism which now had the upper hand, Massachusetts furnished three of notable influence: Henry Wilson, in the Senate, whose sympathy for the down-trodden was no less demonstrative than his colleague's, but whose tears in their flow never for a moment distorted his count

[1] See Pierce, *Sumner*, IV., 317.

of the votes to be gained for his party; George S. Boutwell, destitute of Sumner's erudition and egotism and of Wilson's cant, but exemplifying perfectly the hard, merciless type which the Puritan conscience makes of a mediocre man; and, finally, Benjamin F. Butler, whose demagogic gifts had made him the hero of the late canvass, and had brought him a seat in the fortieth Congress, where he became the ambitious understudy and ultimate successor of Thaddeus Stevens on the reconstruction committee. The West furnished the other mainstays of radicalism in Congress, among whom the two Michigan senators, Chandler and Howard, and three Ohio men, Senator Wade and Representatives Ashley and Lawrence, were conspicuous in the thirty-ninth Congress; and, in addition, Senator Morton, of Indiana, and Representative John A. Logan, of Illinois, in the fortieth. Of distinctly higher grade than the radicals in the finer aspects of intellectual and political character were such leaders of the moderate Republican group as Trumbull and Fessenden in the Senate, and Blaine, of Maine, Bingham, of Ohio, Wilson, of Iowa, and the rising young Garfield in the House; but under the existing conditions there was left to the moderates only the function of a drag on the reckless and revolutionary policy to which the radicals gave an irresistible impulse.

The programme unfolded in the winter of 1866–1867 consisted of two parts, which were developed

simultaneously. The first part was devoted to the effective assertion of congressional supremacy over the judicial and executive branches of the government; the second part consisted in the effective assertion of congressional supremacy in the conquered South.

Little legislation was actually enacted as to the judiciary, but much was initiated and held in suspense till the proper moment for decisive action In December, 1866, and January, 1867, three highly important opinions were announced by the Supreme Court. In *ex parte* Milligan[1] it was declared that military commissions and the other incidents of martial law were unconstitutional save where flagrant war made the action of the ordinary courts impossible. In Cummings *vs.* Missouri[2] a state test-oath, by which Confederate sympathizers were excluded from various professions, was held to contravene the constitutional prohibition of *ex post facto* laws; and in *ex parte* Garland[3] the Federal test-oath so far as it operated to prevent attorneys from practising in the United States courts, was for similar reasons found invalid. These cases all manifested a spirit in the court that boded ill for the radical projects of reconstruction; and the congressional leaders, while obviously reluctant to attack the venerated judicial organ, did not conceal

[1] 4 Wallace, 2.
[2] *Ibid.*, 277; also see above, p. 8.
[3] 4 Wallace, 333.

their purpose to do so if the provocation should go further.[1]

As to the executive, however, there was neither hesitation nor restraint; by the end of the session, March 4, a number of the most indispensable and fully recognized attributes of the presidential office had been taken from it, and a resolute movement to oust Johnson by impeachment had made substantial headway. Of the assaults on the constitutional powers of the president, the most important and far-reaching were those directed against his control over his subordinates in the civil service and in the army. By the celebrated tenure of office act,[2] which became law March 2, 1867, he was prohibited from removing civil officers save with the consent of the Senate, and was made guilty of a misdemeanor punishable by fine and imprisonment if he should violate the act. By a section inserted in the army appropriation act[3] of the same date he was forbidden to issue military orders except through the General of the Army; or to relieve the general of his command or assign him to duty elsewhere than at Washington, save at the general's own request, or with the previous approval of the Senate; and a violation of these provisions also was declared to be a misdemeanor.

In the passage of the tenure of office act, both

[1] Cf. Dunning, *Essays*, 121 et seq.

[2] Text in Fleming, *Documentary Hist. of Reconstruction*, I., 404

[3] Text in *Ibid.*, I., 403.

a permanent and a temporary influence were operative. Participation by the Senate in the power of removal had never, since the origin of the Constitution, ceased to be claimed by members of the body whose prestige and power would be enhanced by the recognition of the principle; but no House of Representatives would have been likely to contribute to the exaltation of the rival chamber except under the pressure of such a condition as existed in 1867, when Johnson's removals of radical office-holders were producing the maximum of exasperation.[1] The legislation touching the president's military functions was purely a result of the tension between Johnson and Congress; and in requiring that the commander-in-chief shall consult the Senate before giving certain orders to his subordinate, it is without parallel in our history, either for its encroachment on the constitutional power of the executive or for inherent preposterousness. But its source is even more astonishing than its content; for it was secretly dictated to Boutwell by the president's official adviser, Edwin M. Stanton, secretary of war.[2]

This strange personage, whose amazing record of duplicity[3] strongly suggests the vagaries of an opium-eater, assumed now the task of inspiring in Congress the belief that his chief, the president,

[1] Blaine, *Twenty Years of Congress*, II., 267.
[2] Boutwell, *Reminiscences*, II., 108.
[3] Cf. the characterization in DeWitt, *Impeachment*, 240 et seq.

was a desperate character, bent on over-riding the majority by military force. Various expressions in Johnson's foolish speeches could be readily adapted to the support of this idea, and radicals like Boutwell, who were under a complete obsession as to the president, could be excused for adopting drastic measures to thwart the impending revolution. But no man who enjoyed the opportunities of a cabinet member for close intercourse with Johnson had any rational excuse for supposing that the president was as violent in act as he was in speech. The very retention of Stanton in office, when his sympathy with Congress as against Johnson's policy was well known, was evidence of an infirmity of spirit which greatly annoyed the president's supporters.[1]

Along with the legislation restraining the executive, a movement for impeachment was promoted by certain of the extreme radicals, especially Ashley. The House judiciary committee was instructed in January to investigate the conduct of the president, and accordingly was engaged throughout the session in a search for evidence against him. Meanwhile the reconstruction committee labored diligently on the problem of decisive action as to the situation in the South. The result was a bill reported to the House by Stevens, February 6, which after con-

[1] The letters to the president in the MS., *Johnson Papers*, contain abundant proof of this; cf. also Blaine, *Twenty Years of Congress*, II., 241; McCulloch, *Men and Measures*, 391; W. T Sherman to John Sherman, in *Sherman Letters*, 297.

siderable modification became the reconstruction act of March 2, 1867.[1] This famous law consisted of two distinct parts: five of its six sections provided for the establishment and administration of a rigorous and comprehensive military government throughout the ten states not yet restored to the Union; while the remaining section, the fifth, declared that the restoration of the states should be effected only after reorganization, on the basis of general negro enfranchisement and limited rebel disfranchisement.

As a justification for military rule, it was declared in the preamble that "no legal state governments or adequate protection for life or property" existed in the "rebel states" enumerated. Thus the organizations which Lincoln and Johnson had with so much care nurtured into vigorous life were formally pronounced by Congress destitute of legality as state governments and "subject to the paramount authority of the United States to abolish, modify, control, or supersede the same." The absence of adequate protection for life and property was a conclusion which the majority drew from the Memphis and New Orleans riots,[2] and from the reports of outrages on freedmen and Unionists. These occasional and widely scattered disturbances were in fact a wholly insufficient basis for the sweeping generalization that was made as to conditions in the South. In most parts of that section life and property were,

[1] *Stats. at Large*, XIV., 428; text also in Fleming, *Documentary Hist. of Reconstruction*. I., 401. [2] See above, pp. 79, 80.

despite the effects of the war, as well protected as had ever been the case. But the radical programme was not restricted by a careful regard for facts. Nor was it, on the other hand, restricted by any careful regard for constitutional law. The clauses of the act authorizing military commissions for the trial and punishment of crime were in direct and contemptuous disregard of the Supreme Court's opinion in the Milligan case, rendered less than three months before, and were based upon the theory that a state of war still existed, though executive, judiciary, and Congress itself had concurred in regarding the war as long since ended.[1]

The fifth section of the act, which set forth the conditions on which the "rebel states" might be restored to representation, embodied the triumph of the radicals in respect to negro suffrage. Earlier in the session the increasing strength of the movement for enfranchisement had been indicated by the enactment of laws, over the president's veto, giving the blacks the ballot in the District of Columbia and in the territories.[2] There was still strong opposition in the Senate to so drastic a procedure for the South, but under pressure of party necessity and of Sumner's tireless urging, the party caucus at last adopted the provision by a majority of two,[3] and it was incorporated in the bill. The act as

[1] Dunning, *Essays*, 129.

[2] McPherson, *Hist. of Reconstruction*, 116, 154, 184; Mason, *Veto Power*, 152.

[3] Pierce, *Sumner*, IV., 320.

passed declared that any rebel state, in order to become entitled to representation in Congress and to exemption from military rule, must conform to the following requirements: a convention must be held, consisting of delegates "elected by the male citizens . . . of whatever race, color, or previous condition"; a constitution must be framed embodying the same rule of suffrage; this constitution must be ratified by the people and approved by Congress; and the legislature elected under this constitution must ratify the Fourteenth Amendment.

In accordance with the belief that the president was bent on nullifying the radical legislation, a law had been passed requiring Congress to meet on March 4. The fortieth Congress, therefore, embodying the results of the elections of 1866, organized itself immediately upon the expiration of its predecessor, and continued the policy of the latter practically without interruption. March 23, 1867, a supplementary reconstruction bill became law,[1] providing in detail for the process through which the military commanders were to bring about the organization of new governments and the restoration of the states. By the act of March 2 the ten states were divided into five military districts, with a general in command of each: Virginia constituted the first district, the two Carolinas the second, Georgia, Alabama, and Florida the third, Mississippi and Arkansas the

[1] *Stats. at Large*, XV., 2; Fleming, *Documentary Hist. of Reconstruction*, I., 407.

fourth, and Louisiana and Texas the fifth. By the supplemental act the district commanders were required to make a registration of the voters in each state who were qualified under the original act; to hold an election for delegates to a state convention; to convoke the convention; to hold an election on the question of ratifying the constitution framed by this convention; and to transmit the constitution, if ratified, to the president, for earliest possible transmittal to Congress. For the actual conduct of the registration and election, the commanders were required to appoint in each election district a board of registration consisting of three persons who should qualify by taking the iron-clad oath, which excluded every one who had given voluntary aid to the rebellion. Finally, every applicant for registration as a voter was required to subscribe to an oath which excluded all who had been disfranchised for participation in rebellion, and all who, after holding state or Federal office, had given aid and comfort to enemies of the United States.

This legislation insured the creation of new states in the South, with electorates and governments conformed to the will of Congress. There was grave doubt in radical circles as to whether the president would attempt to execute laws so flagrantly at war with his views of the Constitution. His veto of the first reconstruction act was draughted by Jeremiah S. Black, and embodied a bitter and powerful assault

on the policy expressed in the legislation.[1] That hostility to the policy should not go too far, the House judiciary committee was promptly constituted in the fortieth Congress, and instructed to continue the vigilant watch for some basis of impeachment. Johnson was advised, however, by the lawyers whom he trusted, that he had no ground on which to set up a resistance to the act,[2] and accordingly, in the middle of March, he performed the duty imposed upon him by the law and assigned Generals Schofield, Sickles, Pope, Ord, and Sheridan to the command of the respective districts.

When those officers had entered fully upon the performance of their duties, they soon had serious trouble in construing various provisions of the acts. The conflict between the radical and the moderate elements in Congress resulted, as is usually the case, in generalities and ambiguities of expression, which left room for wide differences of procedure among those who administered the law. During the spring of 1867 many requests came from the district commanders to the president for instructions on doubtful points. Attorney-General Stanbery, to whom these matters were in due course referred, gave an interpretation of the laws which went as far as was possible in restricting the authority of the district commanders as against the old state governments

[1] Richardson, *Messages and Papers*, VI., 498; *Am. Hist. Rev.*, April, 1906, p. 585; Mason, *Veto Power*, 153.
[2] MS., *Johnson Papers*.

and in mitigating the disfranchisement of the whites. Stanton, the secretary of war, with an unwonted boldness, for which the tenure of office act and the approaching reassembling of Congress furnished a sufficient ground, opposed in the cabinet both the soundness of this interpretation and the policy of promulgating it.[1] He took the ground that the president's control, as commander-in-chief, of the generals in the South was of a very limited nature, and he revealed his purpose to do all that he could to sustain the ultra-radical views that had currency in Congress.

On July 3, 1867, Congress reassembled pursuant to its purpose to keep watch over the president, and on July 19 it passed over his veto a new supplementary act on reconstruction.[2] This act, which was draughted by Stanton[3] to embody the ideas for which he had contended in the cabinet, made authoritative the most rigorous interpretation of the previous acts; and by explicitly conferring certain powers of appointment and removal on the General of the Army, intimated a denial of these powers to the president. Having taken this decisive step, Congress went into recess till November, despite agonizing appeals by radicals, especially Sumner, not to leave Johnson so long free from restraint.[4]

[1] Gorham, *Stanton*, II., 360 et seq.
[2] *Stats. at Large*, XV., 14; Fleming, *Documentary Hist. of Reconstruction*, I., 415.
[3] Gorham, *Stanton*, II., 373.
[4] *Cong. Globe.*, 40 Cong., 1 Sess., 732.

Stanton's co-operation with the president's adversaries in connection with the act of July 19 was so undisguised that Johnson finally cast aside his strange reluctance to get rid of the secretary, and on August 5 requested his resignation.[1] This request was refused, in terms which intimated Stanton's belief that his continuance in the war department till Congress reassembled was indispensable to the salvation of the government from Johnson's nefarious schemes. The president's reply was an order suspending Stanton from office, and designating General Grant as secretary of war *ad interim*. Stanton, denying the president's right to suspend him, nevertheless gave up the office under protest, yielding, he said, to superior force.[2]

For three months thenceforth President Johnson enjoyed the satisfaction of a real control over his own administration, and none of the dismal consequences ensued which had been predicted if Stanton should leave his place. When Congress reassembled, however, the final disposition of the suspended official must, by the terms of the tenure of office act, be passed upon by the Senate, and it was quite improbable that that body would permit the continuance of Johnson's triumph over its favorite. But before the Senate took any action in this matter, the House judiciary committee presented its report

[1] Cf. DeWitt, *Impeachment*, 272 et seq.

[2] The whole correspondence in McPherson, *Hist. of Reconstruction*, 261.

of the investigation which it had so long been carrying on, and by a majority of one recommended the impeachment of the president.[1] The twelve hundred printed pages of evidence submitted were in reality, however, a signal vindication of Mr. Johnson; for the testimony of witnesses that ranged from as high as the cabinet officers to as low as convicted felons in prison[2] disclosed nothing in either his public or his private life that even the bigoted Boutwell could say was an illegal act. Yet this typical exponent of the Puritan political conscience presented a resolution that the president be impeached. Though many of the moderate Republicans in both House and Senate believed that the removal of Johnson would be a good thing for the country, they hesitated to proceed to so serious a step till some specific act of a criminal character could be alleged as a reason. Hence the House, on December 7, 1867, voted down Boutwell's resolution by 108 to 57.[3]

There was still hope for the radicals, however, in the situation at the war department. Johnson, moreover, was evidently chafing under the restrictions which Congress had imposed upon the executive, and might be expected sooner or later to commit some of the "misdemeanors" which had been craftily prepared to entrap him.[4] On December 12

[1] *House Reports*, 40 Cong., 1 Sess., No. 7.
[2] DeWitt, *Impeachment*, 154, 291.
[3] *Cong. Globe*, 40 Cong., 2 Sess., 68; McPherson, *Hist. of Reconstruction*, 264.
[4] See above, p. 90.

the president sent to the Senate a message giving his reasons for suspending Stanton.[1] It dwelt chiefly on the insolence and defiance manifested by the secretary when requested to resign, and on the impossibility of executing the laws through a head of department in whom the president had no confidence. The cogency of these reasons was naturally quite lost on the Senate, which formally refused, January 13, 1868, to concur in the suspension. Immediately upon this vote Grant left the office of the secretary of war, and Stanton took possession.[2]

Johnson was now in an intolerable position. He had intended to force Stanton into litigation for the possession of the office, and thus to test the constitutionality of the tenure of office act. But Grant had thwarted this plan by his prompt withdrawal, and the only way left open for getting rid of Stanton was by what the president knew would be declared an illegal and therefore an impeachable act. After a month of preparation and of great tension in political circles, Johnson, February 21, sent Stanton an order removing him from office, and named General Lorenzo Thomas secretary of war *ad interim*. Stanton refused to recognize the order, or to turn over his office to Thomas;[3] the Senate promptly passed a resolution declaring that the president had no power to remove the secretary save with its consent; and the House, February 24,

[1] Richardson, *Messages and Papers*, VI., 583.
[2] DeWitt, *Impeachment*, 322. [3] *Ibid.*, 346.

adopted a resolution that the president be impeached of high crimes and misdemeanors in office.[1]

The great wave of passion which swept over the majority of Congress at the news of Johnson's action obliterated in an instant the distinction between moderates and radicals. He had committed, it was felt, the specific offence which had previously been undiscoverable, for the tenure of office act declared in terms that any removal in contravention of its provisions should be a misdemeanor; hence, having defied the law, he must suffer the penalty. But the preparations for bringing the offender before the Senate for trial were not very far advanced when it began to appear that the violation of law was less clear than had been assumed. The tenure of office act declared that every civil officer whose appointment required the consent of the Senate should be entitled to hold his office till his successor should be duly appointed; but a proviso affecting cabinet officers limited their tenure to "the term of the president by whom they may have been appointed and for one month thereafter." Stanton had been appointed by Lincoln in 1862; and it was very doubtful whether he could, under such circumstances, claim to be protected by the act against summary ejection by the president. If Stanton had no title to his office, it could not have been a mis-

[1] *Cong. Globe*, 40 Cong., 2 Sess., 1400; summary of debate in DeWitt, *Impeachment*, 358 et seq., and Blaine, *Twenty Years of Congress*, II., 355.

demeanor for the president to oust him from it. In view of the uncertainty on this matter of the secretary's term, the idea that a specific violation of law must be found to justify impeachment was relegated to the background. Various illegal acts were, indeed, alleged against Johnson in connection with the appointment of Thomas and the administration of the reconstruction acts; but as the proceedings developed, the moderates were gradually obliged to accept fully the radical ground, and to consent to the policy of removing the president, not necessarily for any crime, but on considerations of general party expediency.

The coalescence of the factions of the House majority in a determined effort to get rid of Johnson was apparent in the choice of managers to conduct the prosecution. Five of the seven were radicals of the straitest sect—Stevens, Butler, Boutwell, Williams, and Logan; the other two, Bingham and Wilson, were notably of conservative cast, but joined in the hue and cry that arose when Johnson removed Stanton. The eleven articles in which the indictment of the president took form [1] also illustrated the blended strain of the prosecution. Most of them dealt in lawyer-like fashion with various aspects of the Stanton-Thomas episode. One, however, the tenth, was the special work of Mr. Butler, and was based on extracts from newspaper reports

[1] *Cong. Globe*, 40 Cong., 2 Sess., "Trial of the President," 1; also in Fleming, *Documentary Hist. of Reconstruction*, I., 458.

of the president's speeches.[1] The adoption of this article by the House was a personal triumph for Butler, who had proposed impeachment, on the ground of Johnson's speeches and general bad conduct, as early as October 6, 1866,[2] and had persistently urged the policy ever since. His doctrine was that a technical crime or misdemeanor was not necessary as a ground for impeachment; and the tenth article committed the House to this view.

The Senate organized for the trial of the president March 5, 1868, Chief-Justice Chase taking the chair, as required by the Constitution. As Chase was known to have little sympathy with the policy of the radicals, there was tension from the outset between the radical senators and their presiding officer; but Chase was sustained in general by a majority of the body.[3] The defence of the president was conducted by Attorney-General Stanbery, who resigned his office for the purpose, ex-Judge B. R. Curtis, W. M. Evarts, T. A. R. Nelson, and W. S. Groesbeck—an array of talent which from the purely legal point of view distinctly overtopped the managers of the prosecution and in political acumen did not suffer by comparison.

The trial began formally on March 13, 1868, and terminated on May 26. As a field for the skill and eloquence of the politicians and lawyers who were

[1] See above, pp. 62, 81.
[2] Cincinnati daily papers of October 7; cf. MS., *Johnson Papers*
[3] Hart, *Chase*, 359; Dunning, *Essays*, 282.

concerned, it attracted the widest and closest attention; but as a revelation to the world of lawlessness and infamy in Andrew Johnson, it soon became farcical. The evidence here, as before the judiciary committee,[1] fell ridiculously short of justifying the wild charges made by his adversaries. It showed that the president, while greatly embarrassed by the hostile legislation of Congress and by the conduct of Stanton, had administered his office with the nicest regard for law and precedent. The removal of Stanton conformed precisely to the procedure by which John Adams got rid of the recalcitrant secretary of state Timothy Pickering;[2] and the idea that the tenure of office act guaranteed the permanence of Johnson's cabinet was shown to have been repudiated by prominent senators at the time the bill was passed.

Under these circumstances the so-called trial became in its later stages a mere form. The question was, not whether the president was guilty of any crime, but whether he should be deposed from office because of his political opposition to the majority in Congress. On this issue a tremendous effort was made by the radicals, employing every possible means of partisan pressure, to hold the Republican senators to a solid vote for conviction.[3] Every one who did not make clear his purpose to vote so as to

[1] See above, p. 100.

[2] *Cong. Globe*, 40 Cong., 2 Sess., "Trial of the President," 117–119.

[3] A summary in DeWitt, *Impeachment*, 522 et seq.

insure conviction was spied upon by his colleagues, overwhelmed with messages from his constituents, and denounced in the General Conference of the Methodist Episcopal Church.[1] But all these efforts proved unavailing. The eleventh article was selected as the first to be voted on, because it seemed most likely to secure the requisite two-thirds majority for conviction.[2] Drawn by Thaddeus Stevens, this article bore striking testimony to the undiminished shrewdness and intellectual strength of the veteran, whose physical forces were close to their end. The vote was taken on the eleventh article, May 16, 1868, and resulted, "guilty," 35; "not guilty," 19. Two-thirds being necessary for conviction, this vote was an acquittal. Ten days later the same result was reached on the second and third articles, whereupon the Senate, sitting as a court of impeachment, adjourned *sine die*.

The failure of the effort to get rid of Johnson was due to the votes of seven senators who had previously stood firmly with the majority against the president — Fessenden, Fowler, Grimes, Henderson, Ross, Trumbull, and Van Winkle; of these, Fowler, of Tennessee, Henderson, of Missouri, and Van Winkle, of West Virginia, were predisposed to moderation by their border-state antecedents; Fessenden, of Maine, Grimes, of Iowa, and Trumbull, of Illinois, were opposed to the radical policy on the

[1] DeWitt, *Impeachment*, 530; *Journal of the General Conference*, 155, 158.

[2] Dunning, *Essays*, 300.

highest considerations of statesmanship; and Ross was an inconspicuous and commonplace product of Kansas, who rose to a proud height of independence in resisting the influences brought to bear upon him by the radicals, but after the verdict fell back to the lower level through prompt and importunate demands upon the president for patronage. Van Winkle also sought offices from Johnson after the verdict, bracketing himself thus with Ross in a suggestive contrast to Fessenden, who declined to indorse a friend's application for a place on the express ground that such an act would, under the circumstances, "expose me to offensive imputations."[1]

The majority of the Senate for conviction fell only one short of the requisite two-thirds, and apparently the change of a single vote would have effected the removal of the president. But, in fact, other moderates stood ready to vote "not guilty" if their votes should be necessary to secure acquittal.[2] Every Republican who thus voted did so with the practical certainty that his public career in the party would be ended, since the radicals controlled the machinery in most states; and at least two senators—Sprague, of Rhode Island, and Willey, of West Virginia, felt indisposed to sacrifice their political future unnecessarily.

[1] Ross to Johnson, June 6, July 1 and 10; Van Winkle to Johnson, June 19; Fessenden to Peters, June 4; all in MS., *Johnson Papers*.

[2] Conversation with ex-Senator J. B. Henderson in 1901.

Immediately after the termination of the trial, Stanton relinquished the office of which he had maintained actual physical possession most of the time since February 21,[1] and on June 1 General Schofield, after certain delicate negotiations by the astute Evarts to insure the general's consent and the Senate's confirmation, became secretary of war.[2] The president at last had his way in respect to his own advisers, and the radicals had met their first serious reverse since the struggle with Johnson began. Out of sheer spite the Senate refused to confirm the nomination of Stanbery for his former place in the cabinet, and the President offered it first to Ex-Judge Curtis, who declined it, and next to the generally popular Evarts, whom the Senate readily confirmed as attorney-general. With this incident the conflict between the executive and the legislature practically ceased; for the campaign for the choice of the next president had already opened, and he was not to be Andrew Johnson.

[1] Gorham, *Stanton*, II., 444.
[2] Schofield, *Forty-Six Years in the Army*, 413.

CHAPTER VII

RADICAL RECONSTRUCTION IN THE SOUTH (1867–1868)

THROUGHOUT the year of active tension between executive and Congress at Washington, the process of reorganization in the South, which Johnson was charged with systematically obstructing, had gone steadily forward on the lines laid down in the reconstruction acts. When the generals assumed control of their respective districts, in March, 1867, military rule under the Federal authority was probably the only species of government that could have maintained order; for the bitterness of the whites over negro suffrage would have caused disturbances beyond the power of the civil officers to suppress. No disposition anywhere appeared, however, to resist the Federal military power, and a mere handful of troops was sufficient to sustain a far-reaching despotism.

It was, indeed, no novelty for the people of the South to be subject to government by the United States army. The situation under the reconstruction acts was the same that had existed after the close of hostilities and before the recognition of the

new state governments by the president,[1] and the Freedmen's Bureau never ceased from exercising its authority even after those organizations were in full operation. But there were many reasons for a feeling in the South in 1867 that had no parallel in 1865. Military rule displacing civil governments that had worked with satisfactory efficiency for a year was a different thing from military rule that expressed merely the temporary dominion of a conqueror at the close of a long war. The reasoning by which the policy of Congress was justified in the North was regarded in the South as founded on falsehood and malice. So far as the "black codes" were concerned, it was pointed out that they could not be alleged as evidences of a tendency to restore slavery or introduce peonage, since the offensive acts had in many of the states been repealed by the legislatures themselves,[2] and in all had been duly superseded by the civil rights act. The much-exploited outrages on freedmen and Unionists were declared to be exaggerated or distorted reports of incidents which any time of social tension must produce among the criminal classes. The rejection of the Fourteenth Amendment was considered as merely a dignified refusal by honorable men to be the instruments of their own humiliation and shame.[3]

Under all these circumstances the southerners felt

[1] See above, p. 29. [2] Cf. Rhodes, *United States*, VI., 26.
[3] Cf. Hamilton, *Reconstruction in N. C.*, 170; Fleming, *Documentary Hist. of Reconstruction*, I., 236.

that the policy of Congress had no real cause save the purpose of radical politicians to prolong and extend their party power by means of negro suffrage. This and this alone was the purpose for which major-generals had been empowered to remodel the state governments at their will, to exercise through general orders the functions of executive, legislature, and courts, and to compel the white people to recognize the blacks as their equals wherever the stern word of military command could reach. It was as inconceivable to the southerners that rational men of the North should seriously approve of negro suffrage *per se* as it had been in 1860 to the northerners that rational men of the South should approve of secession *per se*. Hence, in the one case as in the other, a craving for political power was assumed to be the only explanation of an otherwise unintelligible proceeding.

The process of creating a new electorate and through it a new government in each of the ten states was carried on by the district commanders in close conformity with the radical spirit of the reconstruction acts. The registration of voters was so directed as to insure beyond all peradventure the fullest enrolment of the blacks and the completest exclusion of disfranchised whites.[1] When the returns were all in it appeared that the negroes were in the majority in South Carolina, Alabama, Florida, Mississippi, and Louisiana, and the whites in Vir-

[1] Dunning, *Essays*, 182 et seq.

ginia, North Carolina, Arkansas, and Texas, while in Georgia the numbers were about equal.[1] The first exercise by the newly enfranchised class of their high privilege was in the elections for the various constitutional conventions. In these elections, as in the registration, the military authorities assumed the duty of promoting in every way participation by the blacks, and of counteracting every influence tending to keep them from the polls. The result of the elections was a group of constituent assemblies whose unfitness for their task was pitiful. No one of them, indeed, lacked members of fair ability and creditable purpose; but the number of such members was small, and they were for the most part entirely out of touch with the intelligent and substantial classes of the population for whom they were framing a government. The chief part was taken in the conventions by northern men who had come South with the army or with the Freedmen's Bureau. Some few well-qualified native southerners also, of the Unionist element which had been the basis of the presidential restoration, assumed a prominent position in the deliberations; but the mass of the delegates consisted of whites and blacks whose ignorance and inexperience in respect to political methods were equalled only by the crudeness and distortion of their ideas as to political and social ends.[2]

[1] *Senate Exec. Docs.*, 40 Cong., 2 Sess., No. 53; Dunning, *Essays*, 188.

[2] Personnel of conventions analyzed in Garner, *Reconstruction*

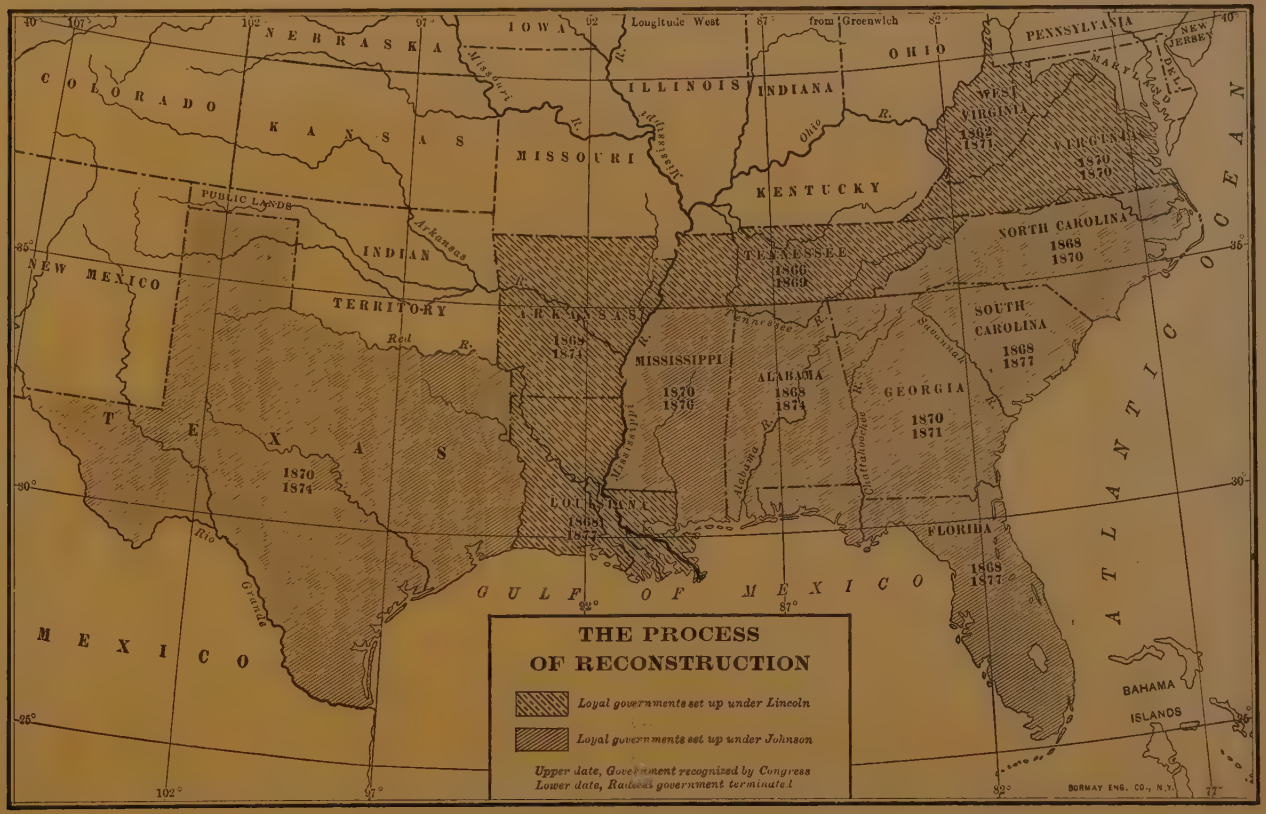
The constitutions which were framed by these conventions embodied many provisions which were in the abstract highly commendable, and were accordingly hailed by the radicals as abundantly justifying their policy. In the financial and revenue systems, in the organization and tenure of the judiciary, in the machinery of local government, and especially in the provisions for public education, the institutions of those northern states which regarded themselves as most enlightened and progressive were freely appropriated. But these very innovations, approved in the North as tokens of substantial regeneration, served in the South to sharpen the hatred and contempt with which the whole procedure of reconstruction was received by the mass of the whites. Quite apart from the doubts that might be raised as to the applicability of northern institutions to southern conditions, the novelties were looked upon as vitiated at the outset by the means through which they were introduced. Moreover, the guarantee of entire equality, civil and political, among the citizens regardless of race was, of course, a fundamental feature of all the new constitutions. This system, insuring as it did for the future a large where not a controlling participation of the blacks in all the functions of government, be-

in Miss., 187; Fleming, *Reconstruction in Ala.*, 517; Hamilton, *Reconstruction in N. C.*, 229; Hollis, *Reconstruction in S. C.*, 83; Eckenrode, *Va. during Reconstruction*, 87; see also *Am. Annual Cyclop.*, under the various states.

came the centre of partisan controversy to which all other issues were wholly subordinate.

During the late winter and spring of 1868 the work of the constitutional conventions was completed in all the states but Texas, and the question of ratification came before the electorates. By this time the formation and consolidation of parties had been completed, and the political antithesis of the races was everywhere obvious. The passage of the reconstruction acts by Congress terminated abruptly and forever the political prospects of that moderate, anti-secession, Whiggish element of the whites which Johnson's policy had brought to the front. To the great majority of these men negro suffrage was as intolerable, as unthinkable as it was to the most extreme of the ex-Confederates. The actuality of the new order, as expressed in the assumption of authority by the district commanders, reduced most of the whites to the impotence and apathy of despair. But a solitary chance presented itself of escape from the disasters of negro political supremacy: if the freedmen could be won to look for guidance in their new duties to their old masters, all might yet be well. In some localities systematic attempts were made to persuade the blacks that their best interest lay in harmony with the native whites;[1] but the results were pathetically

[1] Cf. Fleming, *Documentary Hist. of Reconstruction*, I., 420; Garner, *Reconstruction in Miss.*, 180; Eckenrode, *Va. during Reconstruction*, 74 et seq.


Longitude West from Greenwich
NEBRASKA
IOWA
ILLINOIS
INDIANA
OHIO
PENNSYLVANIA
NEW JERSEY
COLORADO
KANSAS
MISSOURI
KENTUCKY
WEST VIRGINIA 1862 1871
VIRGINIA 1870 1870
MARYLAND
DEL.
PUBLIC LANDS
INDIAN TERRITORY
NEW MEXICO
TENNESSEE 1866 1869
NORTH CAROLINA 1868 1870
SOUTH CAROLINA 1868 1877
ARKANSAS 1868 1874
MISSISSIPPI 1870 1870
ALABAMA 1868 1874
GEORGIA 1870 1871
LOUISIANA 1868 1877
FLORIDA 1868 1877
TEXAS 1870 1874
MEXICO
GULF OF MEXICO
ATLANTIC OCEAN
BAHAMA ISLANDS
Missouri R.
Mississippi R.
Ohio R.
Arkansas R.
Red R.
Tennessee R.
Savannah R.
Alabama R.
Chattahoochee R.
Rio Grande
THE PROCESS OF RECONSTRUCTION
Loyal governments set up under Lincoln
Loyal governments set up under Johnson
Upper date, Government recognized by Congress
Lower date, Radical government terminated
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insignificant. To the emancipated race all the astounding changes of the recent wonder years had come through other sources, and the vague but intoxicating delights of political privilege must, they felt, be enjoyed under the same auspices that had brought them freedom, schools, and the unlimited indulgence of those weird emotions which they called religion.

But it was not unguided instinct alone that kept the blacks apart politically from the native whites. From the Union soldiers, from the northern missionaries and school-teachers, and from bureau agents of every grade the freedmen had heard proclaimed for years now, in all the changes from mysterious allusion to intemperate asseveration, the virtues of the Union and Republican party which controlled the North, and the vices and heresies of the Democrats which had brought ruin to the South. Without a clear comprehension as to what it all meant, the mass of the freedmen were sure that they must be Union men and Republicans.

The way to this result had been diligently prepared, before enfranchisement became a fact, by Union or Loyal Leagues organized in numbers in the South. These societies, originating during the war as agencies for the promotion of the Union cause among the southern whites, devoted their energies after the end of hostilities to the aid of the radical projects of reconstruction. By the time the congressional policy was matured, the membership of

the leagues had become predominantly negro, and under cover of the secret and oath-bound organization, with awe-inspiring rites and ceremonial, the new voters were duly trained for their political activity by the few whites who were in control.[1] In the first elections under the reconstruction acts the leagues were the chief factors in giving coherence and efficiency to the majority party. And when, later, Union Republican or radical organizations were formally constituted in each of the states, it was often hard to tell just where the Union League ended and the regular party began.

The party, then, which triumphed in the making of the constitutions, and which looked forward to a further triumph in their ratification, consisted chiefly of freedmen, led by a small number of northern whites—the detested "carpet-baggers." With these were united a body of native whites — the even more detested "scalawags"—who were either war-time Unionists animated by still undiminished hatred of the ex-Confederates, or "reconstructed" rebels who had given up the fight against the congressional policy, whether from sincere conviction that such course was for the best or from a longing for the good things of office which were obviously to be expected only from the radical party.

The opposition to this party was generally designated as the conservatives, though the name Demo-

[1] For the ritual of the Union League and facts about its activity, see Fleming, *Documentary Hist. of Reconstruction*, II., chap. vii.

crats became also a common and sufficiently accurate title. In it were included the great mass of the white political population, with a sprinkling of negroes too scanty in numbers to serve any purpose save that of illustrating from time to time the claim of the more optimistic whites that some headway was being made against the radical control of the freedmen. In the demoralization produced by the reconstruction acts and by the vigorous and aggressive activity of the military commanders, the conservatives failed to make much impression on the elections for constitutional conventions. But by the time the work of the conventions came before the electorates for ratification, an energetic policy of opposition had been organized by the conservatives in every state. The various specific features of the new constitutions afforded abundant opportunity for the usual kind of electioneering discussion; but the dominant tone in the campaign was that which sounded with defiant resonance in the resolutions of conservative conventions touching the relations of the races. Witness the reference in Louisiana to the "lapse of Caucasian civilization into African barbarism"; the Mississippi denunciation of the "nefarious design" of the Republicans to "degrade the Caucasian race as the inferiors of the African negro"; and the unequivocal declaration in South Carolina that "the white people of our state will never quietly submit to negro rule."[1]

[1] *Am. Annual Cyclop.*, 1868, pp. 432, 511, 697.

But the hand of the national military authority was too strong upon the states to permit of conservative success in the first elections. Only in Mississippi was ratification of the new constitution defeated by a majority of the votes cast. In Alabama, ratification failed; but the conservatives achieved this end by systematic abstention from voting. The registration in the state was about 170,000; the vote was, for ratification, 70,812; against, 1005: thus the total vote was less than half the total registration.[1] With a purpose to insure that the new constitutions should never be called into question as not emanating from the people of the state, Congress had decreed in the reconstruction acts that ratification should be valid only in case a majority of the registered voters took part in the election. After the disagreeable result in Alabama, this requirement was repealed,[2] and other steps were taken to facilitate the restoration of the states. It was enacted, for example, that state officers under the new constitutions might be voted for at the same time with the vote on ratification. Through this provision the radicals secured very important advantages in the elections,[3] and during the spring of 1868 the new constitutions were ratified and state executives and legislatures chosen in Arkansas, the two Carolinas, Georgia, Florida, and Louisiana.

[1] Cf. Fleming, *Reconstruction in Ala.*, 538 et seq.
[2] Act of March 11, 1868, McPherson, *Reconstruction*, 336.
[3] Dunning, *Essays*, 203 et seq.

Congress, with a promptness that was not uninfluenced by the exigencies of the impeachment trial then in progress and of the approaching presidential elections, took up and pressed to passage statutes restoring the six states to representation;[1] and in the partisan zeal and triumph of the moment Alabama was restored with the rest and saddled with the constitution which had failed of ratification in the elections. This proceeding, by which the Alabama conservatives were unceremoniously deprived of the fruits of the victory which their astute policy had brought them, was not the least high-handed and unscrupulous of the acts through which Thaddeus Stevens and his extremist followers won dubious distinction in this strenuous time.

Virginia and Texas failed to complete the framing and ratification of their constitutions in time to be passed upon by Congress during the summer of 1868; and, with Mississippi, these two remained under military government for some time longer. In the other seven states the governments chosen at the elections in the spring were duly installed and military government was withdrawn. In each of the seven except Georgia, the radicals made a pretty clean sweep in the elections and gained a firm control of all branches of the state government. In the delegations sent to Congress, also, the conservatives

[1] The act restoring Arkansas became law June 22, 1868, and that restoring the other six states June 25, 1868; sketch of their parliamentary history in McPherson, *Reconstruction*, 337.

had little representation. The most rasping feature of the new situation to the old white element of the South was the large predominance of northerners and negroes in all the positions of political power. Thus, for the states restored in 1868, ten of the fourteen United States senators, twenty of the thirty-five representatives, and four[1] of the seven governors were men whose first acquaintance with their constituencies was made during or after the war.[2] The great majority of these carpet-baggers had served in the Union army or in the treasury department. Many had established *bona fide* residences in the South, but few had acquired much property.

In the subordinate offices of the state and local governments, except the judiciary, the carpet-bag element was less conspicuous in proportion, and the negro and scalawag element assumed chief prominence. The highest offices secured at this time by the blacks were lieutenant-governor in Louisiana and secretary of state in South Carolina. Every legislature contained a substantial negro delegation, and in South Carolina the black members numbered eighty-eight, the whites but sixty-seven.[3]

The hostility with which the radicals were re-

[1] Not including Governor Bullock, of Georgia, who went there from the North in 1859.

[2] These figures are derived from biographical information in Poore, *Political Register and Cong. Directory*, and in the monographs of Fleming, Reynolds, Hamilton, Garner, and Woolley.

[3] Reynolds, *Reconstruction in S. C.*, 108.

garded by the conservatives had, of course, a very strong justification on other grounds than those of alienage and race. The utter lack of financial responsibility among the new political leaders was established by statistics that, with all allowance for exaggeration, were exceedingly suggestive. The term "carpet-bagger" in its origin expressed the general feeling, and in large measure the fact, so far as the alien whites were concerned; a few were men of substance, bent on settling in the South, but most were of the limited possessions and unstable future which were symbolized by the carpet-bag. The negroes were, of course, very ill-supplied with this world's goods. The members of the South Carolina legislature of 1868 are said to have paid altogether but $635.23 of taxes, 91 of the 165 members paying none whatever.[1] In Alabama the total taxes paid by legislators were estimated at less than $100.[2]

The inevitable extra-legal protest of the former political people against their subjection to the freedmen and northerners was manifesting itself in many places by the time the seven states were restored in 1868. *Pari passu* with the organization of the freedmen in Union Leagues the whites of various localities formed bands for purposes sometimes of defence from, sometimes of aggression upon, the blacks.[3]

[1] Reynolds, *Reconstruction in S. C.*, 108.
[2] Fleming, *Reconstruction in Ala.*, 739.
[3] Cf. Brown, *Lower South in Am. History*, 192 et seq.

The membership of these bands was generally recruited from the less sober and substantial classes of the whites, and their activity consisted in proceedings designed to terrify or coerce the freedmen into conduct that should manifest respect for the persons and property of the superior race. With the approach of negro enfranchisement, however, the white societies were transformed in membership, spirit, and purpose. The deep dread of negro domination under the auspices of invincible national power impelled thousands of serious and respectable whites to look for some means of mitigation, if not complete salvation, in the methods of the secret societies. In the spring of 1867 elaborate organizations were effected by the Ku-Klux Klan, or Invisible Empire, at Nashville, and the Knights of the White Camelia at New Orleans.[1] The explicit purpose of these organizations was to preserve the social and political ascendency of the white race. The means to be employed are not dilated upon in the documents of the societies that have come to light; but many other records of the reconstruction time indicate that the means were of but slight consequence compared with the end, in the minds of those who made the names of the societies of such ominous significance throughout the land.

The operations of the Ku-Klux were conspicuous

[1] Constitutions and rituals of these two orders, with illustrative material, in Fleming, *Documentary Hist. of Reconstruction*, II., chap. xii., esp. pp. 347, 349, 351.

features, in the South, of the presidential elections of 1868. Reports of the proceedings through which both blacks and whites were visited with the wrath of the secret orders for supporting the radicals excited wide-spread interest and comment. The chief of the Invisible Empire became alarmed at the spirit and proportions of the association which he headed, and in 1869 sent forth the order to disband it;[1] but though he surrendered his functions, the local societies long continued to employ familiar methods in asserting the supremacy of their race. The moral suasion to which the leaders would limit the movement against the radicals never ceased to be supplemented by the merciless physical suasion in which rested the confidence of the rank and file.

[1] Lester and Wilson, *Ku-Klux Klan* (edited by Fleming), 128. The editor's introduction gives fuller details.

CHAPTER VIII

THE ELECTION OF GRANT

(1868)

THE failure of the radicals in impeachment and their success in effecting the restoration of most of the rebel states both had intimate relations with the initial stages of the presidential campaign of 1868. The Republican nominating convention met at Chicago, May 20, four days after the first vote acquitting the president; and July 4, nine days after the passage of the act restoring the six southern states to representation, the Democratic convention assembled at New York. By the failure to remove Johnson from office, the radical extremists were in a certain measure discredited, and in particular the aspirations of Senator Wade to a place on the ticket were thwarted.[1] Through the completion of reconstruction in most of the states, the party which was responsible for it could go into the electoral campaign with all the advantage which accrues in times of political crisis from the accomplished fact, regardless of the manner and means of its accomplishment. On July 20, in consequence

[1] Cf. McClure. *Our Presidents and How We Make Them*, 210.

of the ratifications of the newly restored commonwealths, the Fourteenth Amendment was proclaimed in force,[1] and thus one more formidable obstacle was raised up in the way of any reactionary movement by the Democrats.

During the year preceding the presidential campaign of 1868 the prospect of such a radical victory as that in 1866 was dimmed by the trend of affairs in the North. The state elections of 1867 resulted in important Democratic gains.[2] Negro suffrage was apparently not in favor in the radical strongholds of the West; for constitutional amendments enfranchising the blacks were rejected by popular votes in Ohio, Michigan, Minnesota, and Kansas.[3] But, to counterbalance the adverse state of popular opinion on the suffrage question, the Republicans could count upon the very certain party advantage which had accrued from the completion of reconstruction. Of the seven states that were restored in June, it was confidently expected that all the electoral votes would go to the radicals. In three of these states —Alabama, Arkansas, and Louisiana—this end had been striven for through far-reaching disfranchisement of whites in addition to the enfranchisement of the blacks.[4] Tennessee also had been made surely radical by a most rigorous proscription of the ex-

[1] McPherson, *Reconstruction*, 379.
[2] *Ibid.*, 372.
[3] *Ibid.*, 257, 353.
[4] Franchise clauses of the constitutions, *Ibid.*, 327, 329; cf. Dunning, *Essays*, 196.

Confederates.[1] Of the border states, Missouri and West Virginia were in the firm grip of the radicals by the same means.[2] And, finally, in addition to the very substantial list of votes from the former slave states, the Chicago nominee was assured of three votes from Nebraska, which had been admitted as a state in the spring of 1867 in spite of a presidential veto.[3]

Republican prospects were bright, moreover, from the point of view of the predestined candidate for the presidency. Long before the convention met, the unanimous nomination of General Grant was assured. His popularity in the North was universal and overwhelming The predilection for the military hero which had played so large a part in placing Jackson, Harrison, and Taylor in the White House centred upon Grant after Vicksburg, and developed the utmost intensity after Appomattox. So far as he had ever manifested any interest in politics, he had affiliated with the Democrats; and after the war there were evidences of a purpose in certain Democratic leaders to claim him as their own, and to exploit his popularity for their party's behoof.[4] But Grant, on account of his official position as chief of the army, became inextricably in-

[1] Herbert *Why the Solid South?* 190: Fertig, *Secession and Reconstruction in Tenn.*, 73

[2] See above, p. 8; Herbert, *Why the Solid South?* 261, 263 et seq.

[3] Mason, *Veto Power*, 152.

[4] Badeau, *Grant in Peace*, 33.

volved in the political broils at Washington. He strove conscientiously to follow the straight path of his military duty, but he could not fully understand the forces which were in conflict around him, or elude the efforts of one side or the other to profit by the prestige of his name.

Up to the end of 1867, Grant's strong sense of subordination to his constitutional commander-in-chief, and the normal antipathy of the military head of the army to the secretary of war, enabled the administration faction to claim the general as their own and greatly to disquiet the congressional leaders. But in January, 1868, incidentally to the effort of the president to keep Stanton out of the war department,[1] the general managed to put himself in a very equivocal position and became involved in an open and violent quarrel with the president.[2] From this time Grant's animosity towards Johnson was extreme and unconcealed; impeachment had no more ardent advocate than the General of the Army.[3] Under such circumstances, the nomination of Grant for the presidency was assured.

The completeness with which circumstances predetermined the chief feature of the national convention left little serious work for the assembly at Chicago. Of some significance was the discussion

[1] See above, p. 101.

[2] *Am. Annual Cyclop.*, 1868, pp. 649 et seq., 742; Badeau, *Grant in Peace*, 113; Rhodes, *United States*, VI., 100.

[3] Badeau, *Grant in Peace*, 134, 136.

concerning the name of the party which the convention represented. A wide and deep gulf separated the organization in session from those which nominated Lincoln in 1860 and 1864. But despite the transformations effected by the developments of war and reconstruction, there survived among the delegates at Chicago a tradition of the Republicanism of 1860 and a pride in the Unionism of 1864; while the full representation of the southern states gave an opportunity, wholly lacking in the previous conventions, to cast off with ceremony the imputation of sectionalism. Accordingly the convention adopted the name "National Union Republican Party."

The platform[1] naturally placed first in arrangement and in emphasis the approval of congressional reconstruction and the duty of leaving its results unchanged. On negro suffrage, however, the warning contained in the elections of 1867 was heeded, and this masterpiece of evasion was presented: "The guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude and of justice, and must be maintained; while the question of suffrage in all the loyal states properly belongs to the people of those states." The questions of finance and currency, which had been assuming prominence for some time, were also handled gin-

[1] McPherson, *Reconstruction*, 364; Stanwood, *Hist. of the Presidency*, 318.

gerly in the platform. There appeared very clearly the desire to please the circles of high finance in the East without unduly antagonizing the "greenback" sentiment which was obviously a serious element of popular opinion in the West. As a whole, the Republican position in the campaign, as inferable from both platform and nominations, was that of asking for the voter's approval of what had been achieved in reconstruction, without any committal to a definite future policy on any issue whatever. Speaker Colfax, indeed, who secured the nomination for the vice-presidency, was known to be of advanced ideas on negro suffrage; but the key-note of the campaign was the concluding sentence in Grant's letter of acceptance: "Let us have peace." [1]

In the Democracy there was much difference of opinion as to the proper policy for the approaching campaign. Unterrified by the decisive manifestation of northern sentiment in 1866, a large element in the party was confident that another fight on reconstruction would have a different outcome, especially if the personality of Andrew Johnson should be eliminated from the situation. On the other hand, a group of the more conservative leaders were disposed to put less emphasis on the undoing of the work already completed by Congress, and wished to signalize the reunion of the wings that had separated in 1860 by a solemn consecration of the reunited Democracy to its traditional doctrines—strict con-

[1] McPherson, *Reconstruction*, 365.

struction, tariff for revenue, hard money, and, in general, the interests of the masses as against the classes. By this element of the party the possibility of Chief-Justice Chase as a candidate was seriously entertained. Chase was still possessed by the conviction which for twenty years had influenced his political activity, that he was particularly well qualified to be a successful candidate for the presidency. He permitted his friends to canvass the chances of his nomination by the Republicans at Chicago, and quickly discovered that his known dislike of many features of radical reconstruction rendered his chances *nil*. In response to the inquiry of leading Democrats, whether he would permit his name to be presented to the convention at New York, he signified a willingness to lead a reorganized Democracy, provided the party would indorse negro suffrage. This reply, noble in its candor but quixotic in its implications, practically put Chase out of the running.[1]

The radical spirits of the Democracy demanded such action by the convention as should declare relentless war on the work of the radical Congress. *A priori*, President Johnson would be the logical candidate; and he was eager for the nomination. But Johnson's availability as a campaign leader had been decisively tested in 1866, and his confidential agent at New York, just before the convention met, accurately reported that while everybody was prais-

[1] Hart, *Chase*, 363 et seq.

ing the president's courage and devotion to the Constitution, no one showed much disposition to nominate him.[1] Much more to the taste of the radical wing of the party was General Francis P. Blair, Jr., an energetic representative of the famous family which had so profoundly influenced politics from the days of Andrew Jackson down. The Blairs, in their confidential relations with Johnson, had persistently urged him on to extreme measures in his dealings with Congress;[2] and the general, in a published letter of June 30, 1868,[3] addressed to J. O. Brodhead, roundly declared that it would be the duty of the Democratic candidate, if elected president, to abolish by force the governments set up in the southern states, treat the reconstruction acts as void, and restore the situation which existed prior to their enactment.

The Blair idea at one extreme alienated as many thoughtful and cautious Democrats as did the Chase idea at the other. One result was that, when the convention met, the greatest strength was displayed by a faction which was devoted to relegating the issues of reconstruction to a subordinate position and putting in the front a financial issue. The demand that certain of the bonds should be paid at maturity in greenbacks rather than gold[4] had been strongly and ably urged in the West, especially

[1] Cooper to Johnson, July 3, 1868, in MS., *Johnson Papers*.
[2] The *Johnson Papers* abound in evidence of this.
[3] *Am. Annual Cyclop.*, 1868, p. 746.
[4] See below, p. 139.

by George H. Pendleton, of Ohio, the admired leader of the Democracy of that state. When the convention met at New York, the Pendleton men were far more numerous than the supporters of any other one candidate for the nomination, but fell much short of the number necessary for a choice. To the eastern leaders, however, the greenback issue was very distasteful, as likely, if given too much emphasis, to alienate many votes in the election; and the opposition to Pendleton, especially among the New York delegates, was very strong.

Under all the circumstances, the outcome of the convention at New York was entirely uncertain at the beginning, and its proceedings had none of the cut-and-dried character of the Republican assembly. The platform adopted by the Democrats [1] manifested the dominance of the Pendleton element rather than the Blair extremists. On the issues of reconstruction the resolutions embodied, indeed, a fierce arraignment of the congressional proceedings and an indorsement of President Johnson. with the explicit declaration that the reconstruction acts, "so called," were "unconstitutional, revolutionary and void." But nothing explicit was said as to what ought to be done under the circumstances; and the only positive demands made were that all the states should be immediately restored to their rights, that amnesty should be granted for political offences, and that the question of the franchise should

[1] McPherson, *Reconstruction*, 367.

be left to the states. On the financial issue, on the other hand, there was a straightforward declaration that government bonds ought to be subject to taxation, and that the interest on certain classes of them ought in right and justice to be paid in "lawful money" rather than coin.

The triumph of the Pendleton men in the platform was followed by their failure in the nomination. After twenty-one ballots had revealed that the cause of their favorite was hopeless, and when the New York leaders were preparing to bring forward Chase to take advantage of the deadlock, the Ohio delegation, by a dramatic *coup*, cast their votes for Horatio Seymour, who was presiding over the convention. Despite his peremptory refusal to be a candidate, the delegates turned *en masse* to Seymour, and he was nominated unanimously.[1] Having triumphed on the main point, the moderates readily conceded to the extremists the naming of the vice-presidential candidate, and the choice went speedily to General Blair. Seymour, after a period of doubtful consideration, withdrew his refusal to accept the nomination, and entered a campaign of whose happy issue he had little expectation.

The result of the voting in November proved, however, to be less discouraging to the Democracy than had been anticipated. Grant was elected by 214 electoral votes against 80, carrying twenty-six out of thirty-four states, and he had a majority of three

[1] Rhodes, *United States*, VI., 167.

hundred thousand in the popular vote. Of the fifteen former slave states, eight—North Carolina, South Carolina, Florida, Alabama, Arkansas, Tennessee, West Virginia, and Missouri—went Republican. But it was evident on analysis that the Republican majorities in these were due chiefly to the disfranchisement of ex-Confederates. A very strong and growing sentiment against this proscription of the whites existed in the Republican party itself, and was bound soon to prevail; whereupon the reversion of all the southern and border states to the Democracy seemed very probable. With this substantial foundation, the securing of enough northern states, four or eight years later, to insure a presidential victory for the Democrats was by no means a hopeless task; for Seymour carried New York, New Jersey, and Oregon, and was dangerously near his competitor in California, Connecticut, and Indiana.[1]

The Republicans were as keenly awake to this situation as were their adversaries, and it furnished the main issue on which the factions within the successful party divided in Grant's administration. The radicals urged a policy which should, by all the power of the national government, maintain the hold of the Republicans on the South; the moderates favored a relinquishment of southern issues as soon as the work of reconstruction should have been completed, and a recourse to policies of ad-

[1] McPherson, *Reconstruction*, 499.

ministration and finance that would enable the party to commend itself to an overwhelming majority in the North. But certain features of the election of 1868 in the South united all elements of the successful party in a far-reaching assertion of power over the franchise. Seymour and Blair received heavy majorities in Georgia and Louisiana. It was charged that this result was largely due to organized and ruthless proceedings by the whites to suppress or nullify the negro vote, and investigations disclosed much violence, especially in Louisiana.[1] The Knights of the White Camelia manifested their purpose and methods in Louisiana without much reserve, and the Ku-Klux were active not only in Georgia, but also in Tennessee and northern Alabama. Whatever doubt was felt by moderate Republicans about disfranchisement of the southern whites, there was none as to the policy of maintaining what had been achieved in enfranchising the blacks. Accordingly, the party stood solidly together in support of the Fifteenth Amendment, which was proposed in the session of Congress that followed the election.

[1] Blaine, *Twenty Years of Congress*, II., 410; *Senate Exec. Docs.*, 40 Cong., 3 Sess., No. 15; *House Misc. Docs.*, 41 Cong., 2 Sess., No. 154.

CHAPTER IX

ECONOMIC AND SOCIAL STATE OF THE NATION

(1865–1869)

THE financial and economic condition of the country at the close of the year 1868 was well adapted to promote the era of prosperity which the apparent termination of intense political strife brought to every one's attention. Both the purely speculative and the really substantial elements of wealth-making progress were active. It was felt by many conservative men that the speculative factors were unduly prominent, and that sound development was impossible without important changes in the system of currency and national finance; but the prevailing tone of popular feeling after the election was optimistic, and this spirit was manifest in all phases of industrial activity.

The readjustment of the national finances after the tension of the war had ceased was seriously impeded by the political conflict about reconstruction. President Johnson had little interest in finance, and even less knowledge of the subject, and accordingly the policy of the administration was left entirely

to Secretary McCulloch.[1] The conditions with which he was called upon to deal were full of difficulties. The national debt amounted, October 31, 1865, to something over two billion eight hundred million dollars, in the great variety of forms which the stress of war had made inevitable.[2] Legal-tender treasury notes to the amount of four hundred and twenty-eight million dollars were the chief element in the currency of the country, though there was much doubt as to whether their legal-tender quality would be held constitutional. Taxation was enormously high, and applied to practically every available subject known to fiscal usage. The great problems before the treasury and Congress, therefore, were the reorganization and speediest possible reduction of the debt, the re-establishment of a specie currency, and the curtailment of the revenue as rapidly as the waning military expenses would permit.

Of these problems, the secretary believed that the elimination of the legal-tender notes (greenbacks) from the currency was of the first importance. All the insidious and far-reaching evils of an irredeemable paper money he felt were already manifest in the United States: the notes were greatly depreciated, and prices of all commodities were correspondingly inflated; gold was at a premium, and

[1] McCulloch, *Men and Measures*, 377; John Sherman, *Recollections*, I., 384.

[2] Sec. of Treas., *Report*, in *House Exec. Docs.*, 39 Cong., 1 Sess., No. 3, p. 17; cf. Dewey, *Financial Hist. of the U. S.*, 332.

the daily fluctuations of this premium, operating on prices, brought uncertainty into every department of commerce and industry.[1] McCulloch's belief in prompt and radical measures for getting back to a specie currency was widely shared by all classes of the people, and was acted upon by Congress. By a law of April 12, 1866, the secretary was authorized to retire the legal-tender notes at a limited rate, and under this authorization the amount outstanding was reduced during the next two years to three hundred and fifty-six million dollars. But during that time a variety of circumstances, among which the general hostility to Johnson's administration played no minor part,[2] created violent opposition to the policy of the treasury, and by act of February 4, 1868, Congress prohibited any further contraction of the currency.[3]

The original acquiescence in the movement for immediate resumption of specie payments was part and parcel of the feeling which won general support at the outset for Johnson's plan of restoring the states. Paper money, like disorganized states, was looked upon as an evil but unavoidable concomitant of the war, to be got rid of by prompt and summary action when the war had ceased. The reversal of policy as to resumption demonstrated that no more

[1] The market price of gold during Johnson's administration ranged as follows, disregarding fractions: 1865, 128 to 234; 1866, 124 to 167; 1867, 132 to 146; 1868, 132 to 150.

[2] Cf. Blaine, *Twenty Years of Congress*, II., 332.

[3] Dewey, *Financial Hist. of the U. S.*, 340, 343.

in finance than in constitutional law and politics was the restoration of the *status quo ante* to be a simple operation after so long and desperate a civil conflict.

Much of the opposition to McCulloch's policy was directed against his means and method, rather than against the end in view. Thus Senator John Sherman, who was just assuming the high position in public finance which he was to occupy for a generation, strongly condemned the immediate retirement of the greenbacks, though he professed the deepest interest in the resumption of specie payments.[1] His contention was that the country needed all the currency it had, and that sudden contraction, with resultant decline of prices, would bring panic and general depression. This plea for abundant currency, taken up in a spirit different from Sherman's, was the basis of the "greenback" movement which was so prominent in the politics of 1868. If the temporary continuance of the legal-tenders was a good thing, their permanent continuance, it was argued, would be a better thing. If they had saved the nation from disruption by rebels, they would have equal power to save it from oppression by the speculators who controlled the precious metals. On these lines all the familiar sophistry was developed by which in many another place and generation the fiat of government has been proved

[1] For his opinions and arguments, see John Sherman, *Recollections*, I., chap. xvii.

a good substitute for intrinsic value as the basis for a currency.[1]

More plausible and attractive to the popular ear than the abstract theory about standards of value were the arguments from certain concrete conditions in the national finances. While greenbacks must by law be accepted in all the transactions in which the mass of the people were concerned, gold could be demanded by holders of some of the government bonds in payment of both interest and principal. It jarred on sensitive Democratic nerves that the man to whom fifty dollars was due as wages or as interest on a mortgage must take just that sum in greenbacks, while he who received fifty dollars in interest on a government bond could at once transform his gold into seventy-five dollars in paper. Between bondholders and the rest of the people there seemed an iniquitous discrimination. Hence the demand of the Democratic platform of 1868: "One currency for the Government and the people, the laborer and the office holder, the pensioner and the soldier, the producer and the bondholder"; hence also the demand that in every case where the law of issue did not specifically provide for the payment of gold, the government's bonds should be redeemed in greenbacks.

With an unstable currency and disorganized

[1] For a clever exposition of the greenback theory in its completest form, see speech of B. F. Butler, *Cong. Globe*, 40 Cong., 3 Sess., 303.

finances no commercial or industrial enterprise, however legitimate, could escape an enormous burden of risk. Hence, throughout Johnson's term there was everywhere manifest that speculative spirit to which the hazards and vicissitudes of the war had given the original impulse. The spirit was in some measure fostered by the state of the national revenue system. Sooner or later a great reduction of the frightfully burdensome war taxes was to be anticipated. When it would come and what it would immediately affect were questions of vital import to industry and commerce. During Johnson's term the decrease of taxation that the condition of the treasury permitted was effected wholly in the internal revenue, the receipts from this source falling from about three hundred and eleven million dollars in 1866, to one hundred and sixty million dollars in 1869.[1] The facility with which this end was attained was in considerable measure due to the resolute hostility with which the ultra-protectionists of the majority of Congress met every suggestion of a reduction in the tariff. Secretary McCulloch's anticipation of a reversion to the ante-bellum system of a purely revenue tariff[2] was but another of those conservative dreams, like immediate resumption of specie payments and immediate restoration of state-rights, that sprang from inability or unwillingness

[1] Dewey, *Financial Hist. of the U. S.*, 395.

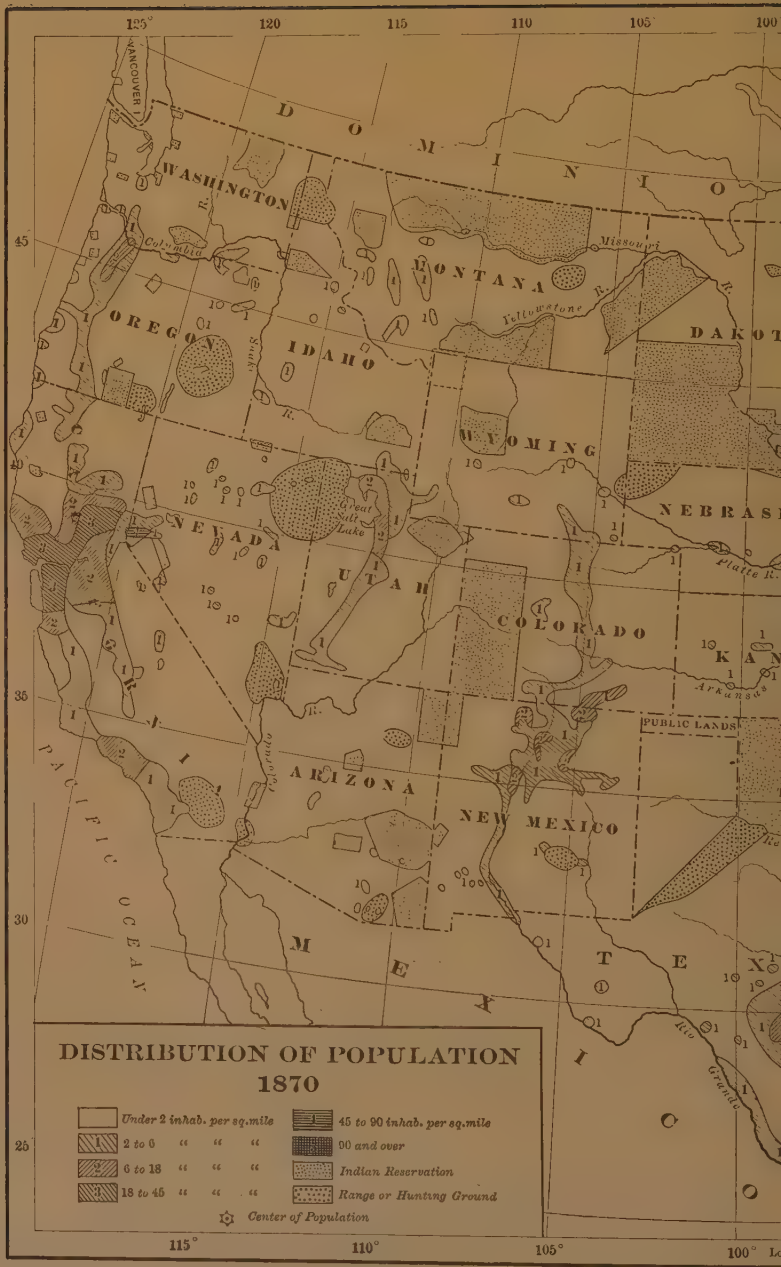
[2] Sec. of Treas., *Report*, in *House Exec. Docs.*, 40 Cong., 3 Sess., No. 2, p. xvi.

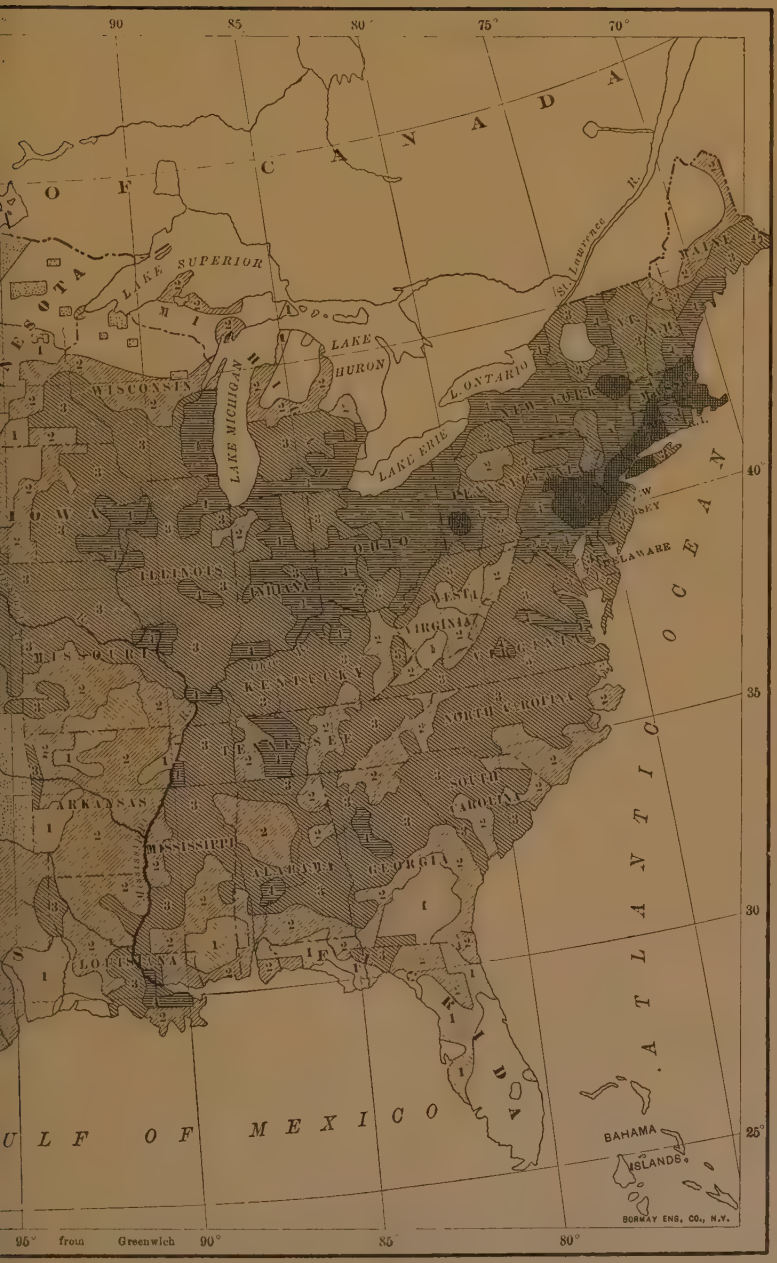
to appreciate the far-reaching revolution which the war had effected in the whole national character and ideals.

The speculative or gambling spirit in business was fostered not only by the general condition of the national finances, but also by certain notable facts in the development of natural resources just at this period. Petroleum in Pennsylvania, and the precious metals in the Rocky Mountains, were at the height of their spectacular potency in the sudden making and unmaking of great fortunes. Both oil-wells and Rocky Mountain mines had become active elements in economic life just before the outbreak of the war, and a marked increase of this activity was coincident with the end of hostilities.[1] Great numbers of adventurous spirits, for whom the life most suited to their taste was ended by the disbandment of the army, found the best available substitute in the exciting pursuit of the fortune that came to him who could "strike oil," or in the hard and perilous search for gold among the mountains of Montana and Idaho.

Though the more risky and irregular phases of national progress were thus very conspicuous, the solid basis of prosperity was seen in the steady and substantial development of established agricultural and manufacturing enterprises. The great crops which were the chief index of economic welfare were

[1] Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), 255; Tarbell, *History of the Standard Oil Co.*, chap. i.


125°
120
115
110
105
100
45
40
35
30
25
VANCOUVER I.
D O M I N I O
WASHINGTON
Columbia R.
MONTANA
Missouri R.
Yellowstone R.
OREGON
IDAHO
Snake R.
DAKOT
WYOMING
Great Salt Lake
NEBRAS
Platte R.
NEVADA
UTAH
COLORADO
KA
Arkansas R.
PUBLIC LANDS
ARIZONA
NEW MEXICO
PACIFIC OCEAN
M E X I
T E X
Rio Grande
DISTRIBUTION OF POPULATION
1870
Under 2 inhab. per sq. mile
2 to 6 " " "
6 to 18 " " "
18 to 45 " " "
45 to 90 inhab. per sq. mile
90 and over
Indian Reservation
Range or Hunting Ground
Center of Population
115°
110°
105°
100°



90
85
80
75°
70°
O F C A N A D A
LAKE SUPERIOR
LAKE HURON
LAKE MICHIGAN
LAKE ERIE
L. ONTARIO
St. Lawrence R.
MAINE
WISCONSIN
NEW YORK
PENNSYLVANIA
NEW JERSEY
DELAWARE
OHIO
ILLINOIS
INDIANA
WEST VIRGINIA
VIRGINIA
MISSOURI
KENTUCKY
NORTH CAROLINA
TENNESSEE
SOUTH CAROLINA
ARKANSAS
MISSISSIPPI
ALABAMA
GEORGIA
LOUISIANA
FLORIDA
ATLANTIC OCEAN
ULF OF MEXICO
BAHAMA ISLANDS
40°
35
30
25°
95° from Greenwich 90°
85°
80°
BORMAY ENG. CO., N.Y.

in 1867 and 1868 altogether satisfactory in bulk and value. Cotton, of course, was not yet nearly restored to the place it held before the war; in view of the social and political conditions in the South, the commissioner of agriculture regarded it as remarkable that in 1868 the yield was half what it had been in 1859.[1] The value of the crop, owing to the very high price, was about the same as that in 1859, and cotton held its old place far in the lead of all our exports. Wheat and corn, the great food crops of the country, showed progress and prosperity in the granary of the nation — the Mississippi Valley. Very significant was the now pronounced movement westward of the centre of wheat production. The proportion of the crop that came from west of the Mississippi was, in 1859, but fourteen per cent. of the total; in 1868 it was thirty per cent.[2] Minnesota, Iowa, and California were responsible for most of this increase, and this fact stands in close relation to what proved to be the dominant factor in the era of enterprise which moved rapidly to its culmination after 1868. To keep pace with the development of resources, agricultural in the nearer and mineral in the farther West, and to bring the products of these regions into the markets of the older states, required an enormous expansion of facilities in transportation. The Northwest became the chief field of an extravagant railroad develop-

[1] Commissioner of Agric., *Report*, 40 Cong., 3 Sess., 3.
[2] *Ibid.*, 17.

ment, which affected all other parts of the country as well, and which influenced profoundly the progress, both speculative and substantial, of the agricultural and the manufacturing industry of the nation. The mileage of new lines constructed in the whole country amounted, in 1865, to only 819. In 1869 it was 4102; and in 1872 it reached the amazing total of 7439.[1]

A determining stimulus to this form of enterprise was given by the progress and completion of the first transcontinental line. It was universally recognized that the Pacific railway was a work of the utmost political importance — that its utility in guaranteeing the territorial integrity of the Union far outweighed any consideration as to its financial success. Its construction, moreover, in part at a rate never before thought possible, involved engineering and labor problems of great magnitude and complexity, the solution of which excited widespread public interest. With good reason, therefore, the progress of the work from year to year was followed with keen attention. The Union Pacific builders, working westward from Omaha, having only 40 miles finished at the end of 1865, added some 250 miles in each of the next two years, and then, in 1868, with a great burst of energy, added 425 miles, and placed themselves within 125 miles of the end of their line. The Central Pacific, working from Sacramento eastward, made but slow prog-

[1] U. S. Census of 1880, *Transportation*, 290.

ress till the Sierra Nevada had been surmounted; but then, in 1868, added 363 miles to the record, leaving 186 to bring it to the junction-point. On May 10, 1869, the meeting of the lines at Promontory Point, near Ogden, Utah, was effected with elaborate ceremony, and the event was signalized by justifiable jubilation all over the land from Boston to San Francisco.[1]

The glamour of romance and adventure that hung over the process of carrying a railroad line through 1775 miles of desert country, overrun by supposedly dangerous animals and unquestionably dangerous men, veiled in great measure many sordid features of the enterprise, which were destined later to make its name one of ill-repute. To insure the construction of the road, Congress enlisted private enterprise by heavy subsidies. For the main line, which was to run exclusively through territories of the United States, from Omaha to the California boundary, a corporation was created—the Union Pacific Railroad Company—to which was given: (1) a right of way through the public domain; (2) twenty sections of land alongside each mile of road; (3) a loan of bonds of the United States to an amount not in excess of fifty million dollars, secured by a second mortgage on the property.[2] Similar subsidies were granted also to a number of state corporations for the construction

[1] For details, see Davis, *Union Pacific Railway*, chap. v.

[2] Acts of 1862 and 1864, *U. S. Statutes at Large*, XII., 489; XIII., 356.

of lines to connect with the Union Pacific and insure unbroken communication between the Mississippi River and the western ocean. The vast financial projects in which the government thus became involved called for frequent action by Congress and for continuous supervision by the administration. The financiers who directed the actual work of construction undertook from time to time to insure that their interests should not be postponed to those of the government, and the result was the scandal that is associated with the Crédit Mobilier.[1]

The progress of the Pacific line across the plains led to great social and economic changes throughout the vast region between the Missouri and California. A ribbon of settlements along the line of the road, through Nebraska and beyond, was the most immediate and obvious, but far from the most important, result. In the mining communities of Montana and Idaho, hundreds of miles to the north, and of Colorado and New Mexico, as far to the south of the line, the actuality of a railway across the mountains added the stimulus of potential benefits to a life that was never lacking in the allurements of hope. Numerous branches to tap the country on both sides of the main line formed part of the general scheme of the Union Pacific, and parallel trunk lines to the north and to the south of the original line were already chartered.[2] Thus the

[1] See below, p. 232.

[2] Hosmer, *Outcome of the Civil War* (*Am. Nation*, XXI.), 133.

various territories created during the war, as a result of the discoveries of gold and silver in the Rocky Mountains, all felt the influence of the great enterprise. A new territory, Wyoming, organized by act of July 25, 1868, was practically a product of the Union Pacific, no settlement of consequence having existed within its limits till the construction of the road reached it in 1867.[1]

To the aborigines of the plains the building of the railway brought a climax of the unrest which first came with the irruption of gold-seekers into the mountains. The great nation of the Sioux, irritated by the establishment of a route to Montana through their lands, broke out into fierce hostility, put under close siege the military posts which were intended to protect the route, and on December 21, 1866, annihilated a detachment of troops under Lieutenant-Colonel Fetterman at Fort Philip Kearny.[2] The conflagration spread to the southward, where the Cheyennes and Arapahoes, of Colorado and Kansas, only recently pacified, spread havoc and terror among the scattered ranches and mail stations of a wide region. All the operations of railroad building in Nebraska had to be carried on under military protection, and the engineers and workmen, many of whom had served in the war, were often called upon to exchange the peaceful theodolite, pick, and shovel for the ever-ready rifle.[3]

[1] Cf. *Am. Annual Cyclop.*, 1868, p. 727. [2] *Ibid.*, 1867, p. 401.
[3] Cf. Davis, *Union Pacific Railway*, 140, and paper there quoted.

Extensive operations by the army in 1867 failed to bring decisive results. Sheridan, Hancock, Gibbon, Augur, and Custer, campaigning against the squalid bands of painted warriors, added nothing to the laurels gained in the shock of great armies. A peace commission, constituted by a statute of July 20, 1867,[1] succeeded in the following summer in making arrangements with the principal hostile tribes; but the chief influence in bringing the Sioux to terms was the abandonment of the posts in their territory which had originally roused their ire. The progress of the railway westward contributed most to this, by rendering available a route to Montana to which the Indians raised no objection.[2]

While all the manifold interests associated with the transportation industry west of the Mississippi were centred about the construction of a single railroad that should make a direct connection with the Pacific, the problem east of the Mississippi was chiefly that of piecing out, correlating, and consolidating a multitude of independent roads into a group of trunk lines between the Mississippi and the Atlantic. It was between 1865 and 1869 that the name of Vanderbilt first became of significance in railroad enterprise. By the union of the Hudson River road with the New York Central, in 1868, a

[1] *U. S. Statutes at Large*, XV., 17.

[2] For this whole Indian matter, see Indian Commission, *Report*, in Sec. of Interior, *Report*, 1868–1869, p. 486; *Am. Annual Cyclop.*, 1867 and 1868, arts. Indian War.

new and powerful through line between the seaboard and the Great Lakes was developed, to compete with the Erie, the Pennsylvania, and the Baltimore & Ohio for the traffic across the Appalachians. From that event dated a long and ardent rivalry among these great corporations in extending their direct lines to Chicago and St. Louis, and in absorbing or rendering dependent a host of lesser companies. Denunciation of monopoly was promptly and loudly directed against the strong men who carried through these enterprises; nor did they, in fact, omit any device of shifty and ruthless financiering when serious opposition was to be overcome. But the beneficial results of consolidation were many and obvious. Under unified management barbarous and costly features of primitive railroading that had lasted through the war-time disappeared forever. So long as the idea survived that the chief function of the railway was to supplement water transportation, terminal points of the lines were often at considerable distances from important business centres, connection being completed by steamboats. These gaps were now filled; transshipment of freight and passengers at connecting points of short railway lines was continually reduced in frequency and inconvenience; and the era of "through-line" traffic on a large scale between the Atlantic coast and the Mississippi was fairly inaugurated.

The social and economic movements with which this railroad development was in close relations of

both cause and effect were of profound significance and were noticeable in even the earliest stage of the process. Among them were the drift of population in the East to the great terminal cities, the building up of the northwestern states through the revived immigration from Europe,[1] and the struggle for popular or governmental control over the management of the roads. That it was only the northern East and the northern West which the growing trunk lines united and stimulated was too much a matter of course to excite attention or interest. The ruined and prostrate region below Mason and Dixon's line offered scant attraction to capital or enterprise, and great north-and-south through lines were left for another generation to create.

[1] The annual number of immigrants had fallen during the war to a little over 100,000 (112,702 in 1861); in 1868 it was 326,232.

CHAPTER X

A CRITICAL PERIOD IN FOREIGN RELATIONS (1865–1873)

THE problems of internal readjustment after the war were large and difficult enough to justify every effort to escape foreign complications. Two aspects of public sentiment in the North conspired, however, to render the period following the close of hostilities one of grave tension and great activity in diplomacy. The most serious factor was the universal resentment felt towards France and Great Britain on account of the course of their governments during the war. Louis Napoleon and the leading English politicians had, as Lord Salisbury once cynically phrased it, put their money on the wrong horse in that conflict; they had staked much on the success of the Confederacy, and they had lost. The settlement that was due they sought to evade, or at least postpone, while a powerful element of American opinion, confident in the resources and reputation of a successful army and navy, demanded an immediate and even a humiliating submission.

Closely involved with this influence was that of the never extinct yearning in the United States for

territorial expansion. While the Civil War convinced the more thoughtful and cautious politicians that managing the territory already possessed was a sufficient task for human energy, the mass of the people, especially in the growing Northwest, still manifested that craving for bigness which had stretched the boundaries before the war. So far from finding reason for hesitation in the loss and burden of the terrible conflict, they boasted with endless iteration that they had quelled the "greatest rebellion in history," and that to a people with such a record no limit of achievement could be fixed.

It happened that Secretary Seward, in whose hands, almost exclusively, the direction of foreign policy during Johnson's administration lay, was an inveterate optimist and an inveterate expansionist. He had always a serene confidence that Great Britain and France would satisfy the just demands of American sentiment without war; and at the same time he let slip no opportunity to acquire new territory where pacific means could effect it. The first difficult problem which he had to solve was that of expelling the French from Mexico. The permanence of Maximilian's empire had been from the outset so obviously conditioned on the success of the Confederacy that Napoleon's only possible policy after Appomattox was to save some fragments of prestige by a dignified manner of abandoning his disastrous enterprise.

By the spring of 1865 the imperial authority of Maximilian was firmly established in all the best parts of Mexico. Resistance by the Liberal, or Republican, party was reduced to feeble and desultory guerilla warfare, centring chiefly in the mountainous northern regions, where a shadowy organization headed by Benito Juarez preserved the tradition and the name of the republic. The straits of the Republicans were due almost exclusively to the thirty-five thousand disciplined French troops who had been sent to support Maximilian. Public opinion in the United States favored steps looking to the forcible expulsion of the French invaders. Many high military officers, headed by General Grant himself, were eagerly in favor of bringing decisive pressure upon them before the volunteer army should be disbanded. The president himself was believed to be well disposed towards this policy.[1] Grant sent General Sheridan to Texas in May, 1865, with orders to assemble a large force on the Rio Grande. A little later a plan was matured in accordance with which General Schofield, while on leave of absence, was to visit Mexico and organize a force there from disbanded Union and Confederate soldiers who could be induced to enter the service of the Liberal government. Grant directed Sheridan to see that these troops should be supplied with arms.[2] Though this project

[1] Grant to Johnson, September 8, 1865, MS., *Johnson Papers*.
[2] Schofield, *Forty-Six Years in the Army*, 380; Badeau, *Grant in Peace*, chap. xxi.

fell through, Grant did not cease to urge open support of the Liberals; and the influence of so popular and powerful a personage brought much aid, both moral and material, to their cause.[1]

The policy pressed by the military men was full of peril, in that it was likely to offend the national spirit in France, and thus give Napoleon an opportunity to cover his loss of prestige with an appeal for the defence of French honor. But Seward, with the co-operation of the rest of the cabinet,[2] so guided events as to achieve the desired end without undue offence to Gallic susceptibilities. Grant's project of organizing an army in Mexico was thwarted by sending Schofield on an empty mission to France, where he was duly kept busy and harmless till the real diplomacy had done its work.[3] The popular demand that recognition should be given to the Mexican Republicans was satisfied, May 25, 1866, by the appointment of Campbell, of Ohio, as minister, accredited to President Juarez.[4] To give the maximum of impressiveness to the formal recognition of Juarez, President Johnson wished General Grant to accompany Campbell to Mexico. Grant peremptorily refused to go, suspecting that Johnson had an ulterior motive in ordering him out of the

[1] Cf. Grant to Sheridan, July 20, 1866, in Badeau, *Grant in Peace*, 184, 392; Sheridan, *Memoirs*, II., 224.

[2] McCulloch, *Men and Measures*, 387; Bancroft, *Seward*, II., 433 et seq.

[3] *Ibid.*, 435.

[4] *Diplomatic Correspondence*, 1866, pt. 3, p. 2.

country,[1] and General Sherman consented to go in his place. The mission proved a fiasco; for, after a toilsome search, the minister and his distinguished associate were quite unable to find Juarez or his government, who were kept by Maximilian's French forces and by rival Mexican chiefs far from any accessible part of the country.[2]

This untoward outcome of the mission in no way diminished the pressure which Seward was exerting diplomatically upon the French government. So long as the Confederacy remained unconquered, the secretary of state, while taking no pains to disguise the dissatisfaction of the United States with the French intervention, did not make the subject a matter of urgent representations. But in the autumn of 1865 he changed his attitude. Napoleon's government was informed in plain terms[3] that the United States would not tolerate either the presence of a French force or the existence of any foreign monarchy in Mexico. An offer of prompt withdrawal of the troops on condition that the United States recognize Maximilian was met with a flat refusal.[4] April 5, 1866, it was officially announced that the French forces would be removed from Mexico in detachments between No-

[1] Badeau, *Grant in Peace*, 53; DeWitt, *Impeachment*, 129; Boutwell, *Sixty Years*, II., 109.

[2] *House Exec. Docs.*, 39 Cong., 2 Sess., No. 76, pp. 577–585; *Sherman Letters*, 284.

[3] *Am. Annual Cyclop.*, 1865, p. 320.

[4] Bancroft, *Seward*, II., 438.

vember, 1866, and November, 1867. A change of plan by which the beginning of the movement was postponed till the spring of 1867 brought a prompt protest from the United States. But Napoleon was entirely sincere in his purpose to drop the Mexican project. In the spring of 1867 the whole French force embarked for home together, and Maximilian, left with no support which could withstand the now numerous and vengeful followers of Juarez, was captured and executed in June.

While the tension with France was acute, the secretary of state was much occupied also with Great Britain; but this phase of the diplomatic questions resulting directly from the war was suddenly supplanted in public interest by an unexpected opportunity to gratify the longing for territorial expansion. Just at the time when the French troops were leaving Mexico, the Russian minister at Washington approached Seward with the offer of Russia's American possessions. The offer was accepted with almost comical alacrity,[1] and March 30, 1867, a treaty was signed for the purchase of the region for seven million two hundred thousand dollars in gold. Neither the government nor the people of the United States had ever shown either interest in or knowledge concerning this territory. It was generally regarded as a barren and desolate region, whose resources, if of any value whatever, could never be made available. The treasury of

[1] Bancroft, *Seward*, II., 477.

the United States, moreover, was in a condition in which a demand upon it for seven millions in gold was a serious matter. On the other hand, there was operative the feeling that the acquisition of the territory was a step towards the rounding out of dominion over the whole of North America; that an opportunity was at hand to rid the continent of one more monarchic power; and that for the first time in our history the question of expansion would certainly be free from all connection with any phase of the negro question. Very powerful also was the sense of gratitude to Russia for her uniformly friendly attitude towards the North during the Civil War.[1]

The play of these considerations in Congress and among the people at large determined the outcome in favor of the purchase. The Senate ratified the treaty April 9, 1867, with but two dissenting votes; the army took formal possession in October; and the new territory, after a persistent but happily futile effort of certain newspapers to burden it with the name "Walrussia," was officially christened Alaska.

Before the final steps in the acquisition of the Russian territory were taken, another European monarchy consented to withdraw from the western hemisphere in favor of the United States. Denmark, moved by the hard exigencies of her internal

[1] This last reason was of great weight in the Senate committee on foreign relations. Pierce, *Sumner*, IV., 325; cf. Blaine, *Twenty Years of Cong.*, II., 334.

politics, agreed to sell her minute but advantageously situated West Indian islands, and Seward, who had proposed the purchase originally in January, 1865, succeeded in concluding a bargain for St. Thomas and St. John, October 24, 1867.[1] The treaty was sent to the Senate in December, 1867, and a determined effort was made to secure ratification. But the need of a naval station in the West Indies had ceased to be urgent since the close of the war; the reputation of St. Thomas as a centre for hurricanes and earthquakes was illustrated by a disastrous visitation while the treaty was pending; extension of territory southward, with the possibility of an additional negro population, offered no great attraction; and the price agreed upon, seven million five hundred thousand dollars, seemed excessive for seventy-five square miles, when over half a million square miles had just been obtained for rather less money. These considerations, together with a natural indisposition of the radicals to add anything more to the prestige of Seward and the Johnson administration, caused the treaty to be smothered in the Senate committee on foreign relations,[2] and President Grant, upon his accession, dismissed with contempt the whole project, only to enter with ardor upon an equally ill-fated scheme in relation to Santo Domingo.

[1] Moore, *International Law Digest*, I., 605.

[2] Pierce, *Sumner*, IV., 328, and App. I; Bancroft, *Seward*, II., 485.

Seward was unfortunate also in his effort to bring about an adjustment of the strained relations with Great Britain. The bitter popular feeling in the United States on account of the damage wrought by the Confederate cruisers manifested itself continuously after the close of the war. In Congress and out a resolute purpose was always discernible to seize the first opportunity to make the British suffer for their attitude during hostilities. In its most general form, the wrong complained of was that the neutrality formally professed by the British government had been either deliberately violated or so construed as to give every possible aid to the Confederate cause. Specifically it was charged that the very hasty recognition of the Confederacy as a belligerent, the refusal to detain the *Alabama* and other cruisers when built, and the aid and welcome given to them in British ports when in the midst of their destructive career, were cumulative evidence of hostility to the United States. The contention of the British government was that the recognition of the Confederacy as *de facto* a belligerent power was reasonable in view of the actual conditions, and was in accord with the attitude of the United States in proclaiming a blockade, and that the two contending belligerents had been treated with scrupulous impartiality.

Before the end of the war, Seward, through Minister Adams, made strong representations on the points at issue and suggested arbitration. This

suggestion was met by Earl Russell with a curt and peremptory refusal.[1] The effect in the United States was such as to cause thoughtful Englishmen some concern. The hostile feeling against Great Britain assumed demonstrative form. In the House of Representatives, July 26, 1866, a bill passed unanimously modifying the neutrality laws in such way as to permit war-ships and military expeditions to be fitted out against friendly powers.[2] Only a few weeks before this the Fenian movement for the liberation of Ireland reached its American climax, in an abortive invasion of Canada from New York and Vermont. Several armed bands of Irish-Americans crossed the frontier, but were quickly driven back by the Canadians, and were then gathered up and sent to their homes by the Federal military authorities.[3] Though the movement was too pathetically feeble to justify official sympathy, the support which enabled it to assume even the little dignity it attained was traceable to the popular resentment against England. Suggestions were not wanting that the United States should promptly recognize the Fenian organization as a belligerent, and permit it to fit out privateers against the commerce of the other belligerent. More serious in its pointedness was the same suggestion as to Abyssinia when war broke out between that power and Great

[1] Moore, *International Arbitrations*, I., 496.
[2] *Cong. Globe*, 39 Cong., 1 Sess., 4193; Pierce, *Sumner*, IV., 290.
[3] *Am. Annual Cyclop.*, 1866, art. "Fenian Brotherhood."

Britain. Chandler offered in the Senate, November 29, 1867, a resolution recognizing to Abyssinia the same rights which the British had recognized to the Confederacy.[1]

A consciousness of future peril in the position assumed by Earl Russell led to a change of attitude by his successor in the foreign office. Lord Stanley actually offered in 1867 to submit to arbitration the question as to whether Great Britain had failed to maintain neutrality, but declined to include the question as to the justification for her recognition of Confederate belligerency. The diplomatic discussion became involved, moreover, in questions arising out of the Fenian movement as to the rights of naturalized citizens[2] and in a controversy about the Northwest boundary-line. Eager to reach a general settlement before his retirement, Seward concluded, through Reverdy Johnson, a treaty which, as to the *Alabama* claims, provided merely that a joint high commission should pass finally upon all claims of subjects of either government against the other. This convention the Senate, on April 13, 1869, after the change of administration, refused to ratify by the decisive vote of 54 to 1.[3]

A disinclination to approve what was evidently intended to be a crowning glory of the Johnson-

[1] *Cong. Globe*, 40 Cong., 2 Sess., 83.
[2] Cf. Adams, *Charles Francis Adams*, 357.
[3] Moore, *International Arbitrations*, I., 506; Bancroft, *Seward*, II., 499.

Seward administration doubtless contributed to this unparalleled action.[1] But this influence was of little significance compared with the feeling that by the proposed settlement Great Britain would escape making any adequate reparation for grievous wrongs done to the United States in its time of sore distress. A speech by Sumner in the Senate, April 13, 1869, which won him the only moment of genuine popularity he ever enjoyed, voiced effectively the public sentiment. Great Britain, he argued, must acknowledge her wrong-doing and must make reparation to the American nation; the compensation of individuals for losses sustained through the Confederate cruisers was but a minor incident in the settlement required; national claims must be satisfied, and his catalogue of these included many hundred millions of dollars for the destruction of the American merchant marine, and for the expenses incurred through the prolongation of the war.[2]

The rejection of the treaty and the publication of Sumner's speech, which, through the action of the Senate in removing the injunction of secrecy, was made in a sense the official expression of American demands, were followed by a period of angry and excited discussion in the press of the two nations.

[1] Seward anticipated rejection of the treaty, Moore, *International Arbitrations*, I., 506. Grant desired that the matter should go over to his administration, Pierce, *Sumner*, IV., 368.

[2] For the speech, see *Cong. Globe*, 41 Cong., 1 Sess , App., 21; Sumner, *Works*, XIII., 53.

Pending the subsidence of this turmoil, the foreign offices of both governments moved slowly towards a resumption of negotiations. The episode revealed to Great Britain that she had on her hands a problem that was not to be solved without imminent peril to her peace and prestige; and at the same time the threatening aspect of international affairs in Europe warned her that some solution was in high degree desirable.[1]

Meanwhile, President Grant himself precipitated a new issue in the expansionist phase of American foreign policy. The annexation of Santo Domingo to the United States was proposed in the spring of 1869 by Baez, the politician who at the time held the chief place in what passed for government in the revolution-ridden little republic. General O. E. Babcock, one of Grant's private secretaries, was sent to investigate conditions in Santo Domingo, and, after making a very favorable report, was authorized to negotiate a treaty of annexation. The treaty was concluded November 29, 1869; and Grant began at once to exert all the pressure possible to secure its ratification by the Senate. He had formed the most extravagant opinion as to the importance of acquiring the territory: its possession would, he thought, restore our lost merchant marine, insure the extinction of slavery in the West Indies and Brazil, redress the unfavorable balance of our foreign trade, promote the just influence of the Monroe Doctrine,

[1] C. F. Adams, *Lee at Appomattox*, 130.

and confer other inestimable benefits on the United States and on mankind in general.[1] But in the Senate the mental condition which superinduced these distorted visions was absent, and, despite the reluctance of the Republicans to oppose the administration, ratification was refused, June 30, 1870, by a tie vote.[2] The president relaxed in no degree his resolution to achieve his purpose, and in his annual message in December recommended that a commission be appointed to investigate conditions in Santo Domingo and that steps be then taken to annex by joint resolution, as in the case of Texas. The commission was duly provided for, and ex-Senator Wade, Professor Andrew D. White, and Dr. S. G. Howe were named its members. Their report, in April, 1871, made a good case for the desirability of annexation.[3] But it had become evident before this time that public opinion would not sustain the president's policy; and in his message accompanying the report Grant indicated his reluctant conviction that such was the case.[4]

This episode had consequences in the internal politics of the country that were of much more lasting significance than its relation to foreign policy. It revealed the heaviness of the burden which the Republican leaders had assumed in placing in the

[1] Special message, May 31, 1870, and annual message, December 5, 1870, in Richardson, *Messages and Papers*, VII., 61, 99

[2] Pierce, *Sumner*, IV., 445.

[3] *Am. Annual Cyclop.*, 1871, p. 655.

[4] Richardson, *Messages and Papers*, VII., 128.

White House a narrow, headstrong, and politically untutored military chief; and it gave a great impulse to the pending movement which split off the Liberal element from the party during the remainder of Grant's presidential service. A central incident of the affair was the famous rupture between Grant and Sumner.[1] The president and the senator were ill-adapted by training and temperament to get on well together. Sumner demanded, as the prerequisite of agreeable personal intercourse, adulation, express or tacit; Grant had by 1870 become accustomed to receive it, but had not, nor ever would have, the power to give it. When the treaty of Dominican annexation reached Washington, the president in person asked Sumner's support, and supposed that he obtained a pledge of it. Sumner, however, led in the opposition to ratification, and a tension arose which became open and scandalous in the debate on the appointment of the commission. The senator attacked the project with all the paraphernalia of rhetorical exaggeration and imputation with which it had been his custom to assail slave-owners and Andrew Johnson, but steadfastly denied, with every air of sincerity, that he was assailing Grant. The president failed to appreciate the rhetorician's fine distinctions, and the most

[1] The matter is threshed out completely in the debate on the resolution appointing the commission, *Cong. Globe*, 41 Cong., 3 Sess., passim; Sumner's speech, 226. Full treatment also in Pierce, *Sumner*, IV., 426, and C. F. Adams, *Lee at Appomattox*, 31.

weighty Republican leaders in the Senate shared in the failure. Every mode of pressure which the executive could exert was brought to bear against Sumner, and at the organization of the forty-second Congress, in March, 1871, he was by action of the Republican caucus deposed from the chairmanship of the committee on foreign relations—a position he had held since 1861.

The deposition of Sumner was intimately connected with the further and triumphant progress of the government's negotiations for settlement of the *Alabama* claims. Hamilton Fish, who became secretary of state early in Grant's term, kept a quiet but persistent pressure upon the British government, and the latter manifested nothing of the arrogance which it had earlier displayed. In 1870 Bismarck's aggressive policy, culminating in the war with France, rendered Great Britain's European relations very uncertain, and made her statesmen ready for an amicable adjustment with the United States. Mr. Fish did not fail to make use of the advantage thus given him. The president's annual message of December 5, 1870, recommended that all individual claims against Great Britain for losses due to the *Alabama* and other cruisers be assumed by the United States government. This was an intimation that the administration intended to make the matter a serious national issue, and the full meaning of it was not lost on the British foreign office.[1]

[1] Adams, *Lee at Appomattox*, 133.

Two points in the American case which had given especial offence to the British were allowed by Fish to recede into the background; these were the claim that wrong was done by the hasty recognition of the Confederates as belligerents, and the demand for compensation for the "national" or "indirect" losses due to the *Alabama*. The British government, on the other hand, indicated a readiness to express regret for the damage done by the *Alabama*, and to submit to arbitration the question of liability for it. On the basis of these reciprocal concessions, a plan for formal proceedings in a general adjustment was worked out in January, 1871, at informal conferences between Secretary Fish and Sir John Rose, a special secret commissioner sent from England for the purpose.[1] In accordance with this plan a joint high commission, empowered to deal with various matters, of which the North Atlantic fisheries were nominally but the *Alabama* claims really the chief, formulated between February and May the famous treaty of Washington, signed on May 8, 1871, and ratified by the Senate sixteen days later. It provided for a mixed commission to deal with the question of the fisheries, and for the reference of the Northwest boundary dispute and the *Alabama* claims to tribunals of arbitration. For the guidance of the arbitrators in the latter case, Article VI. of the treaty laid down three rules as

[1] The best account of this whole diplomatic affair is in **Moore**, *International Arbitrations*, I., 519 et seq.

to the duty of neutrals, and these rules embodied concessions by Great Britain that made a judgment in favor of the United States very probable from the outset.

This extremely creditable achievement of diplomacy required of Secretary Fish the highest possible degree of political as well as diplomatic tact and sound judgment. The climax of the negotiation coincided in time with the violent outbreak of Sumner against the president on the Santo Domingo question. Sumner was at the head of the Senate committee on foreign relations, and he held that no settlement of the *Alabama* claims should be accepted that did not involve the abandonment by Great Britain of all her possessions in the western hemisphere. To inject any such proposition into the negotiations at the stage already reached would have been foolishness, and Fish felt that he must press on regardless of Sumner's possible opposition. It was a hazardous business; for another speech like that in April, 1869,[1] might rouse the ever-ready popular sentiment of hostility to Great Britain to such manifestations as would end all the high hopes of peaceful adjustment. The situation became further complicated by the complete rupture, in January, 1871, of friendly personal relations between Fish and Sumner.[2] Under such circumstances, the continuance of the Massa-

[1] See above, p. 162.

[2] C. F. Adams, *Lee at Appomattox*, 171; Pierce, *Sumner*, IV., 465.

chusetts senator at the head of the committee on foreign relations would have stultified the secretary of state personally and gravely imperilled his policy. Hence the pressure which brought about Sumner's deposition.

To all but a relatively small though very noisy element of the American people the adjustment reached in the treaty of Washington was satisfactory. The British government, it was seen, had expressed regret for the escape of the cruisers and for their depredations,[1] and had consented to refer to arbitration the question of its liability for American losses caused thereby. This was a substantial triumph for the United States, but the climax of triumph was to come later. The tribunal of arbitration, consisting of representatives appointed by the governments of the United States, Great Britain, Italy, Switzerland, and Brazil, met at Geneva on December 15, 1871, and reached its decision August 25, 1872. During the first six months of 1872 a violent controversy threatened to wreck the whole procedure. The formal case presented to the tribunal by the United States included in the claims catalogued those known as "national" or "indirect" —namely, for the expense of pursuing the cruisers, and for the losses due to the disappearance of our merchant marine, to enhanced rates of insurance, and to the prolongation of the war. The demand for payment of such claims had always been re-

[1] Art. I. of the treaty.

garded by British public opinion, and with some reason, as in the nature of a demand for war indemnity, and was resented accordingly. It had been understood, even by the British negotiators, that these claims were barred from the arbitration, and their appearance in the American case caused so furious an outbreak of rage in England that the government was forced to take steps towards withdrawing from the tribunal. But Secretary Fish had no desire to press these claims. They had been presented partly with a view to satisfying the extreme elements of public opinion in the United States, and partly for the purpose of having them passed upon finally by an unassailable authority. Accordingly, it was rather easily arranged that the tribunal itself should rule them out. This was done in June, and the consideration of the direct and individual claims proceeded. The result was a judgment that Great Britain had failed in her duty as a neutral in connection with three of the Confederate cruisers—the *Alabama*, the *Florida*, and the *Shenandoah*—and their tenders, and that for the losses incurred through these the compensatory sum of fifteen millions five hundred thousand dollars should be paid to the United States.

Two months later the German emperor, to whose arbitration the dispute as to the northwestern boundary at the island of San Juan had been referred, decided in favor of the American contention, and added a minor element of satisfaction to public sentiment

in the United States.[1] The other important matter provided for in the treaty of Washington, the long-disputed fisheries question, was put in course of settlement by means of a mixed commission, but the end was not reached till 1877.[2]

Besides the distinction won by the settlement of the troubles with Great Britain, Secretary Fish had the satisfaction of averting on two different occasions vexatious tension with Spain. Cuba was in the throes of a rebellion, designed to secure independence of the Spanish authority. The insurgents were in 1869 making only the slightest progress; but they had many friends in the United States, among whom was the secretary of war, General Rawlins. Influenced by Rawlins, President Grant signed a proclamation, August 19, 1869, recognizing the insurgents as belligerents, and ordered Secretary Fish to seal and issue it. Fish knew that none of the conditions existed which, in the practice of nations, justified such action; hence he put the paper away and awaited the outcome. Rawlins died shortly after, and Grant never recurred to the subject except to thank Fish a year later for having pigeonholed the proclamation.[3]

The agitation for some friendly action towards the insurgents continued in the United States press and in Congress. Grant was clearly disposed to favor them, in order to punish Spain for recogniz-

[1] Moore, *International Arbitrations*, I., 229.
[2] *Ibid.*, 745. [3] Cf. Adams, *Lee at Appomattox*, 118.

ing the Confederacy.[1] After long effort, however, the president was won over to the policy of the secretary, and on June 13, 1870, a special message to Congress, written by Fish, announced definitively that the administration would maintain strictly an attitude of non-intervention.[2]

Despite this destruction of the best hopes of the insurgents, hostilities dragged on, with frequent incidents of extreme but indecisive ferocity on both sides. In 1873 a particularly bloody act of the Spanish authorities brought the United States to the verge of war. The *Virginius*, a steamer flying the American flag and bearing men and arms to the insurgents, was captured, October 31, by a Spanish gun-boat on the high seas between Jamaica and Cuba. Fifty-three of the passengers and crew were summarily executed at Santiago, among them eight citizens of the United States. At the news of this proceeding passion flamed high in the United States, and demands for war against Spain were heard on all sides, receiving support in many quarters where fever in the blood was unusual. For weeks it seemed as if hostilities were inevitable. Reparation for the violation of American rights was promptly demanded of Spain by Secretary Fish, and the Spanish government manifested no disposition to refuse the demand; but the officials in Cuba were inflamed with

[1] Cf. Pierce, *Sumner*, IV., 409.

[2] Richardson, *Messages and Papers*, VII., 64; Adams, *Lee at Appomattox*, 217, 219 (extracts from Fish's diary).

the spirit of vengeance on the captured insurgents, and were with difficulty restrained from further executions. Not till November 29 were the diplomatists able to reach a settlement of the issues. It was then agreed that the *Virginius* and her surviving passengers should be restored to the authorities of the United States, and that the Spanish officials who had been responsible for illegal acts should be punished. Secretary Fish soon received on all sides particular honor for having avoided war; for it proved that, though the insult to the American flag was the central feature of the case against Spain, the *Virginius* had obtained her registry by perjury and fraud, and therefore had no right to bear that flag.[1]

[1] For the whole affair, see Rhodes, *United States*, VII., 29–36, and authorities cited, especially Richardson, *Messages and Papers*, VII., 256.

CHAPTER XI

THE CLIMAX OF RADICAL RECONSTRUCTION (1869–1872)

THE prestige accruing from the result of the Geneva arbitration was very welcome to the Grant administration; for at the date at which the decision was made the presidential campaign of 1872 was in progress, and the re-election of Grant had been imperilled by a great defection of Republicans whom his radical policy in internal affairs had alienated.

We have already seen[1] the partisan motive which gave the impulse to the passage of the Fifteenth Amendment. The discussion of this measure was the central feature of business in the last session of the fortieth Congress. While the administration of Andrew Johnson waned dismally to its end, the Republican majority wrestled manfully with the problem of the suffrage. To render absolutely secure the right of the negro to vote in the South was not an easy task. The right was already conferred by every reconstructed constitution; and every state but Tennessee had been declared "en-

[1] See above, p. 135.

titled and admitted to representation in Congress upon the "fundamental condition" that its constitution should "never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote . . . who are entitled to vote by the constitution . . . herein recognized." But the validity of such a fundamental condition was very doubtful,[1] and the purpose of the southern whites to use any available means to disfranchise the blacks was beyond all doubt. Hence the determination of the Republicans to meet this purpose with an explicit prohibition in the Federal Constitution.

There was, however, even among the Republicans, a great reluctance to transfer the general control of the suffrage from the states to the central government. The party chiefs were, moreover, strongly opposed to any abstract dogmatizing about the right to vote. Doctrinaires, ready with propositions for levelling up, or down, to their ideals, would have guaranteed the suffrage to every citizen of mature years and sound mind. It was plausibly argued that the right of intelligent white women to vote was as worthy an object of a constitutional guarantee as the right of ignorant and degraded black men. Of more practical importance was the prediction that, unless intelligence and property qualifications were prohibited, they would be employed by the southern states to disfranchise the

[1] Dunning, *Essays*, 323, 346.

blacks. Partly under the influence of this suggestion, the Senate, at one stage of the discussion, actually adopted a form prohibiting discrimination by any state on account of "race, color, nativity, property, education, or religious creed."[1] But in the end no consideration was allowed to interfere with the single immediate end in view—the creation of a constitutional mandate under which the national government might maintain negro suffrage against hostile procedure by the states. The Fifteenth Amendment, in the form in which it now stands in the Constitution, was finally passed on February 26, 1869, and duly sent to the states.

A week later Andrew Johnson abandoned the White House, and, with an unnoticed final appeal to the people of the United States and to the impartial judgment of history for justification of his presidential career,[2] retired to restless obscurity in his Tennessee home. The inauguration of Grant was generally regarded as the opening of a better era in national politics. Much exasperating friction, it was expected, would be removed from the working of the governmental machine, when the executive and the congressional majority should be in harmony, and when the president should enjoy a full measure of personal popularity.

Grant's earliest official acts, however, excited

[1] *Cong. Globe*, 40 Cong., 3 Sess., 1035, 1040; Cf. McPherson, *Hist. of Reconstruction*, 402; Blaine, *Twenty Years of Cong.*, II., 416.

[2] *Am. Annual Cyclop.*, 1869, p. 589.

amazement and foreboding among party politicians and the general public alike. His cabinet appointments were in large measure determined by personal friendship or unintelligent caprice. For the treasury, for example, he named A. T. Stewart, a merchant whose name was at that time a synonyme for fabulous wealth. Stewart had neither experience nor recorded convictions in politics, and his appointment was the naïve tribute of the man who had never been able to earn in private business more than fifty dollars a month to the man who had accumulated millions. Stewart was found to be disqualified for the office under an old law excluding from it any one engaged in "trade or commerce." Grant, after an unsuccessful attempt to get the law repealed, appointed G. S. Boutwell, of Massachusetts, to the secretaryship, and Stewart, who was much chagrined at losing it, eventually found characteristic consolation in an effort to get the contract for supplying the treasury with carpets.[1] For the navy department Grant named Adolph E. Borie, a wealthy gentleman of Philadelphia, who like Stewart was absolutely unknown in politics, and who quickly abandoned his experiment in public life. Elihu B. Washburne, of Illinois, the congressman who had brought Grant into the army at the outbreak of the war, was named by his grateful protégé to be secretary of state, but promptly exchanged the post for that of minister to France,

[1] Boutwell, *Reminiscences*, II., 207.

and was succeeded in the cabinet by Hamilton Fish, of New York. For secretary of war was named General J. A. Rawlins, another Illinois friend, who had been chief of staff to Grant during the war. Ex-Governor Jacob D. Cox, of Ohio, J. A. J. Cresswell, of Maryland, and Judge E. Rockwood Hoar, of Massachusetts, as secretary of the interior, postmaster-general, and attorney-general respectively, possessed the qualifications usually expected of cabinet members—that is, experience in public life and prominent association with the party in power. In all the other appointments the personal predilection of the president was controlling.[1]

In his military career, Grant's natural reserve and taciturnity had been eminently appropriate and useful. In political life they proved much less so, and accentuated the difficulty which flowed from his lack of matured judgments on public affairs. To supplement the deficiencies in his equipment the most influential agency was the unlimited trust and devotion which he gave to those who in any way won his personal esteem. His judgment was rarely strong enough to put the proper estimate on a policy which was presented to him with the support of an intimate friend, and his dogged refusal to see that his friendship had been used for unworthy purposes, when the fact was obvious to everybody else, was a source of unlimited scandal. Of rather less weight,

[1] Cf. Blaine, *Twenty Years of Cong.*, II., 424; Badeau, *Grant in Peace*, chap xix; Wilson, *Charles A. Dana*, pp. 409–414.

than the personal was the party influence in determining Grant's policy. He felt in a general way that he was a Republican; but his perception of what party really meant in the conduct of the administration was vague, and the difficulty of ascertaining which of the various factional projects that came to his notice reflected the real party will was insuperable. Hence the tendency of his own temperament was confirmed, to regard himself as truly representing the people and to act upon the impulses of his independent judgment. The result was inevitably an administration of caprice, of favorites, and of malodorous intrigue.

In respect to the process of reconstruction, the president's ideas were more clear and well-informed than upon perhaps any other issue of the day. He readily adopted the policy of pushing the work to completion with the least possible additional humiliation of the southern whites. Three states, Virginia, Mississippi, and Texas, were still under military government. In the first two, the chief source of delay had been the strong opposition, both in the states and in Congress, to the disfranchisement of ex-Confederates which was contained in the new constitutions. On this matter Grant's favor was well known to have been won by the conservatives, and on April 7, 1869, he suggested to Congress, in a special message, the desirability of submitting the constitutions for ratification to the respective electorates, with provision for a separate vote on the disfran-

chising clauses.[1] A bill conforming to this suggestion became law three days later, with Texas also included in the arrangement for a speedy restoration. The radicals in Congress, who were little pleased with the opposition to disfranchisement, found consolation in the requirement which they succeeded in adding to the bill, that the three states should not be restored till their legislatures should have ratified the Fifteenth Amendment.[2] When Congress met in December, 1869, the process contemplated by this act was nearing completion. All three states ratified their constitutions, Virginia and Mississippi rejecting the separately submitted disfranchising clauses. The acts finally restoring the states were duly passed early in 1870,[3] and in these again the radicals made themselves felt by the incorporation of "fundamental conditions" of more comprehensive scope than had hitherto been imposed.[4] A justification was found for this increased rigor not only in the development of the Ku-Klux movement against the blacks, but also in the fact that by the elections in Virginia the state government had fallen into the hands of the conservatives, who, though including many who had been Unionists during the war, were now indiscriminately stigmatized as "disloyal." [5]

[1] Richardson, *Messages and Papers*, VII., 11.
[2] Dunning, *Essays*, 231; Foulke, *Morton*, II., 118.
[3] Virginia, January 26; Mississippi, February 22; Texas, March 30. [4] For details, see Dunning, *Essays*, 234.
[5] Eckenrode, *Va. during Reconstruction*, 122 et seq.

By the end of March, 1870, every one of the rebel states had been declared by act of Congress to be in regular relations with the United States government; yet Georgia, by a peculiar chain of events, was again under military control. In this state the conservatives carried the elections for the legislature in 1868, while the radicals elected their candidate for governor. A fierce struggle arose at once between Governor Bullock and the legislature. The conservative majority in the latter, taking the position that the negroes, while duly entitled to vote, were not endowed by the new constitution with the right to hold office, excluded all the black radicals and gave their seats to their white conservative opponents. On the other hand, the majority construed very liberally the disqualifying section of the Fourteenth Amendment, and neglected to exclude a number of whites who fell fairly within the provisions of that section. Bullock took advantage of these proceedings to raise the claim that Georgia had not complied with the reconstruction acts and therefore was not fully restored to statehood. The matter was finally taken up by the president and by Congress in the winter of 1869–1870. Conservative Republicans were very chary of interfering; but radical sentiment carried the day, largely through the influence of a report by General Terry, which presented a gloomy picture of Ku-Klux terrorism throughout the state.[1] By act of December 22,

[1] *Am. Annual Cyclop.*, 1869, art. Georgia.

1869, it was provided that the membership of the legislature should be determined by Governor Bullock, and that the tests to be applied should certainly exclude persons disqualified by the Fourteenth Amendment and admit negroes. To this drastic measure was added the requirement that the legislature should ratify the still pending Fifteenth Amendment. Under the operation of this act Georgia was finally restored to her statehood; but the effort, eventually futile, to discover for this action a constitutional basis upon which the Republicans in Congress could agree protracted the debate till July 15, 1870.[1]

Meanwhile the Fifteenth Amendment, whose fate had been so anxiously followed by the radicals, received the necessary ratifications and was proclaimed in effect on March 30.[2] Thus the right of the freedmen to vote was made secure against any legal restriction based on the ground of their color. From every state in the South, however, were by this time heard incessant complaints that the exercise of this right by the negroes was in fact very seriously restricted. As soon as the national military power was withdrawn from control, and the new state governments assumed full responsibility, the tension between the races became violent. Every electoral campaign was attended with disorder and outrage. The whites ascribed the conditions to the

[1] Dunning, *Essays*, 245; Woolley, *Reconstruction of Georgia*, chap. viii. [2] McPherson, *Hist. of Reconstruction*, 545.

insolence and ignorance of the blacks and the ambition and knavery of the carpet-baggers who led them; the negroes and their allies complained that they were victims of a brutal lust for that inhuman power which was lost when rebellion was subdued and slavery was abolished. The Union Leagues on the one hand, and the Ku-Klux Klans on the other, furnished secret and terrorizing elements to the conflict of the races. The radical state governments had no stomach for the task of maintaining order. Anxious appeals to the president for Federal troops were common from the beginning of the new régime; for to depend upon negro state militia for the suppression of disorder would be to pour oil on the flames. Governor Clayton in Arkansas, Governor Brownlow in Tennessee, and Governor Holden in North Carolina succeeded in putting white militia into action, but the result in the latter two states was only to accelerate the overthrow of the radicals. Warmoth in Louisiana was clearly relieved to discover that he was deprived by law of authority to set his black supporters in arms against the whites;[1] and in South Carolina the negro militia organized by Governor Scott was from the outset a source of the most serious turbulence in that most turbulent state.[2]

By the time when the Fifteenth Amendment went

[1] See his testimony, in *House Misc. Docs.*, 41 Cong., 2 Sess., "Contested Elections in La.," pt. 2, p. 512.

[2] Reynolds, *Reconstruction in S. C.*, 136, and chap. v., passim.

into effect, it had become clear that in many of the reconstructed states radical ascendency could not be maintained by negro suffrage, and it was very doubtful whether with conservatives in control the political rights of the freedmen could remain secure. In the presidential election of 1868, in Louisiana, the struggle between the radicals and conservatives for the control of the great mass of ignorant freedmen's votes was attended by grotesque and shocking incidents of cajolery, intimidation, and outrage.[1] The conservatives carried this election by a heavy majority. In 1869 Tennessee was lost to the radicals; and in the spring of 1870 the conditions indicated that North Carolina and Alabama would follow. This trend of affairs was naturally very distasteful to the Republicans at Washington, and it was easily determined that, so far as the situation was due to unlawful interference with the negro vote, the national authority must be employed to correct it.

The result was the enforcement act of May 31, 1870,[2] which provided heavy penalties for infringement upon the right to vote as secured by the Fifteenth Amendment, and also re-enacted the civil rights act of 1866,[3] and imposed penalties for violation of the rights secured by the Fourteenth Amendment. The practical purpose of this legis-

[1] *House Misc. Docs.*, 41 Cong., 2 Sess., "Contested Elections in La." [2] *U. S. Statutes at Large*, XVI., 140.
[3] See above, p. 63.

lation was to give to the United States courts jurisdiction for the maintenance of that civil and political equality which the adverse sentiment of the southern whites prevented the state courts from adequately maintaining. The act involved a very wide extension of the national authority into a field hitherto left to the states, and therefore, on constitutional grounds, it aroused serious opposition among the more moderate Republicans. It made up definitely the issue as to whether the last three amendments authorized the central government to guarantee equal rights to the freedmen against all attacks by their white fellow-citizens, or only against such attacks as were made with explicit sanction of the states. The former view was incorporated in the law, and this caused lively misgivings to many Republicans who, while entirely willing to see the national power applied to the protection of the freedmen in the South, were entirely unwilling to contemplate the interposition of the same power in their own states.

In addition to this opposition on constitutional grounds, the expediency of the enforcement act was seriously questioned by moderate Republicans. Not force, but conciliation, they argued, was now the proper policy towards the South. Having enfranchised the blacks and secured their civil rights, Congress should next remove that source of bitterness among the whites which lay in the existing disabilities under the Fourteenth Amendment. The

most able and influential of the southerners were excluded from their natural leadership in politics, and their restoration to their position would be, it was argued, a dictate of sound statesmanship [1]

But the radical spirit was still distinctly in the ascendant in Republican councils, and the moderates were gradually forced away into the Liberal movement that was now developing. The elections of 1870 showed great Republican losses throughout the Union. In the new House of Representatives the majority would be reduced from ninety-seven to thirty-five,[2] and North Carolina and Alabama, as had been anticipated, were carried by the Democrats. But these reverses only nerved the radicals in Congress to more strenuous pursuit of the part they had chosen. By act of February 28, 1871, a rigorous system of Federal supervision over congressional elections was established.[3] This was designed not only to supplement the weakness and inefficiency of the radical state governments in the South, but also to counteract the fraudulent and violent practices which prevailed in New York and other large cities of the North.

With particular reference to the South, on the reluctantly given recommendation of the president,[4]

[1] See speeches of Ferry and Schurz, *Cong. Globe*, 41 Cong., 2 Sess., 3489, 3607. [2] *Tribune Almanac*, 1871, p. 45; 1872, p. 52.
[3] *U. S. Statutes at Large*, XVI., 433.
[4] Message of March 23, 1871, Richardson, *Messages and Papers*, VII., 127; Boutwell, *Reminiscences*, II., 252; Hoar, *Autobiography*, I., 205.

Congress passed the second great enforcement act, generally called the Ku-Klux act, April 20, 1871.[1] A concrete basis for the law was found in the anarchic conditions which prevailed in some parts of North Carolina.[2] The activity of Ku-Klux Klans had been manifest and merciless, and the efforts of the Republican state government to maintain order resulted in its own overthrow in the elections.[3] By the radicals at Washington, led by Morton and Butler, the disorders in the South were held to be the result of a general secret organization of the conquered rebels for the purpose of suppressing the Republican party in that section. Despite abundant evidence that the Ku-Klux movement was in large measure but the unorganized and sporadic expression of social demoralization, the political motive was seized upon as dominant, and the new act assumed to deal with a new rebellion. It not only strengthened greatly the hands of the national judiciary for dealing with the secret conspiracies, but also authorized the president to suspend the *habeas corpus* and suppress the disturbances by military force.

On grounds of both constitutionality and expediency, this drastic measure was more strongly opposed than its predecessor by Democrats and mod-

[1] *U. S. Statutes at Large*, XVII., 13.

[2] *Sen. Exec. Docs.*, 41 Cong., 3 Sess., No. 16, pt. ii.

[3] The legislature was carried by the conservatives, and Governor Holden was impeached and removed from his office. *Am. Annual Cyclop.*, 1870, 1871, arts. North Carolina.

erate Republicans.[1] The idea that anything like "rebellion" or "war" existed in the South was justly denounced as far-fetched and visionary, while the inability of the radical state governments to enlist efficient public sentiment in their support afforded a good ground for the contention that the policy which created them was a failure. It was strongly urged, too, in opposition to the Ku-Klux bill, that Congress had too little information as to the real conditions in the South, and that a thorough investigation should precede legislation. This view, while it did not prevent the passage of the act, resulted in the creation of a joint select committee on affairs in the late insurrectionary states, whose labors, reported in thirteen volumes to the next session of Congress,[2] brought to light most that is known to-day as to the early working of congressional reconstruction east of the Mississippi.

While this committee was diligently seeking out the facts of the situation, the president, October 17, 1871, applied the extremest provisions of the Ku-Klux act in South Carolina. Nine counties of that state were proclaimed to be in rebellion, the writ of *habeas corpus* was suspended,[3] and detachments of Federal troops arrested many hundreds of persons on suspicion of connection with the secret

[1] See, especially, speeches of Blair, of Michigan, and Garfield in the House, and Trumbull and Schurz in the Senate, *Cong. Globe*, 42 Cong., 1 Sess., 574, 686, and App., 71, 149.

[2] *House Report*, 42 Cong., 2 Sess., No. 22.

[3] Richardson, *Messages and Papers*, VII., 137.

organizations. Some were brought to trial before the national courts, and a few were convicted under the enforcement acts, but most were ultimately discharged without trial.[1] The evidence before the court, together with that secured by the investigating committee, revealed shocking conditions of barbarity in the attitude of low-class whites towards the freedmen, but showed that the political motive in the outrages, so far as it was manifest at all, was concerned with purely local incidents of radical misrule, and was ridiculously remote from any purpose that could be fairly called "rebellion" against the United States.

The execution of the enforcement acts rounded out the radical policy to which the administration was now entirely committed for the purposes of the electoral campaign of 1872. Against this policy a very powerful element of the Republican party was in a position of vehement protest. About this situation as a central feature were shaped the many other influences which determined the Liberal Republican movement.

[1] Excellent summary of the whole episode in Reynolds, *Reconstruction in S. C.*, chap. v. Full report of trials at Columbia in *House Reports*, 42 Cong., 2 Sess., No. 22, "South Carolina," III., 1615.

CHAPTER XII

THE LIBERAL REPUBLICAN MOVEMENT AND ITS FAILURE

(1870–1872)

THE impulse to organized opposition by Republicans to the policies and persons that were dominant at Washington came from Missouri. In that state the disfranchisement and proscription of Confederate sympathizers took an extreme form,[1] and was persisted in, despite a growing popular hostility, until 1870. Then at last the Republican party of the state was split on the issue, and the radicals who held control were defeated by a coalition of bolting Liberals with the Democrats.[2] The state constitution was so revised as to end the discriminations which the war had caused, and the policy of conciliation and peace, thus triumphant, attracted much attention and favor throughout the country.

In spirit and result the Missouri plan of dealing with southern conditions stood in absolute contrast to that which was embodied in the enforcement

[1] See above, p. 8.

[2] *Am. Annual Cyclop.*, 1870, art. Missouri.

acts. A leading part in the Liberal movement was taken by Carl Schurz, who, as senator from Missouri, was prominent in opposition to Grant's Santo Domingo project and to the radical programme for the South. In connection with the state election of 1870 in Missouri, the president took open ground against the Liberals, denouncing them as merely scheming to turn the state over to the Democrats.[1] The Liberal movement and its leaders thus became naturally the focus of the anti-administration feeling which pervaded the Republican party throughout the Union. In January, 1872, the Missouri Liberals, in a state convention, took formally a long-canvassed step and issued a call for a national convention at Cincinnati, with a view to nominations for the approaching presidential election.[2]

At the time this call was issued there was naturally much uncertainty as to the outcome; for ultimate success or failure would depend upon the action of the regular Republican and Democratic organizations. But as to the existence of a public sentiment that justified the movement, there was no uncertainty whatever. The three years of Grant's administration had been disastrous to the president's reputation among reflecting men, and had seriously affected his popularity among the masses. His disregard for the conventions of propriety and good taste which ought to control the occupant of the White

[1] *Am. Annual Cyclop.*, 1870, p. 520.
[2] Stanwood, *Hist. of the Presidency*, 335.

House was no less conspicuous, and was even more offensive, than that of his predecessor. Where Johnson had peremptorily refused valuable gifts from admirers, Grant not only accepted them, but appointed the donors to office.[1] By accepting social courtesies from Fisk and Gould, then at the height of a dubious prominence in Wall Street, he involved his name in the scandal of their daring attempt to corner gold during September, 1869, and in the tragedy of their failure on "Black Friday."[2] In this matter he was the victim in a measure of the mingled gullibility and greed of a brother-in-law, Corbin; and in other matters he exposed himself to severe and not unjustifiable criticism for placing or retaining in public office relatives whose influence with him was made a valuable political asset.

A fundamental fact in these aspects of Grant's quasi-private conduct was an utter lack of ability to judge men. This defect played a large part also in shaping the purely political developments of his administration. His adhesion to the radical rather than the moderate Republicans was determined by his confidence in certain leaders; and this confidence resulted in some cases from wholly irrelevant canons of judgment, in some cases from unpredictable and inexplicable caprice, but very seldom from well-

[1] Cf. Wilson, *Charles A. Dana*, pp. 413, 414, 423, 424.

[2] *House Reports*, 41 Cong., 2 Sess., No. 31, gives all the facts in this famous affair. See also Adams, *Chapters of Erie*, 100; Rhodes, *United States*, VI., 249 et seq.

founded appreciation of their capacity and convictions. At the instance of senators who enjoyed his favor he dismissed from his cabinet Attorney-General Hoar and Secretary of the Interior Cox, whose offending lay in aggressive, if not always tactful, efforts to remedy the evils of congressional patronage in appointments to office.[1] Though the president evinced a lively interest in the rising movement for civil service reform, and in 1871 instituted a commission through which the first definite step towards the elimination of the spoils system was made, many of the most ardent reformers, claiming that his support lacked the vigor which sincerity would have insured, cast their lot with the opponents of his administration. The most aggressive advocates of tariff reduction took the same position from analogous motives. The feeling common to both these elements was that reform in the administration and in the revenue was the most imperative need of the nation, and that such reform was not to be hoped for from the influences which had established themselves in control of the president. The institution of a new policy of force in the South was regarded as a deliberate and unwarranted revival of dead issues, for the purpose of evading proper consideration of those which were vital.

Civil service reform and tariff reform thus con-

[1] Boutwell, *Reminiscences*, II., 211; J. D. Cox, "How Judge Hoar Ceased to be Attorney-General," in *Atlantic Monthly*, August, 1895.

tributed no little strength to the Liberal movement, though the backbone of it was the desire that the issues of war and reconstruction should be dropped, and that the South should be let alone to work out such destiny as existing conditions would permit. The old demand, "universal suffrage and universal amnesty," whose symmetrical phrase had embodied the ideal of many optimistic souls since 1865, was the watchword of the Liberal cause. In the conviction that this ideal would, with the removal of existing disqualifications on ex-Confederates, be completely realized, a host of conservative Republicans united in the protest against the centralizing tendencies of the enforcement acts. Such men were painfully impressed, not only by the hitherto unheard-of theory on which the Federal courts were assuming a general jurisdiction over crime in the South, but especially by the extent to which the regular army was appearing as the mainstay of most of the reconstructed state governments. The frequently recurring instances of military intervention[1] furnished support to the theory, which the president's adversaries diligently exploited, that Grant was a gloomy despot, openly building up an imperial dominion on the ruins of the Constitution. Such was the theme of all Sumner's declamation

[1] The great fire in Chicago in October, 1871, occasioned an appeal by the local authorities to Federal troops under General Sheridan to maintain order. Sheridan's proceedings brought a vehement protest from the governor and legislature. *Am. Annual Cyclop.*, 1871, p. 397.

after the Santo Domingo episode; and the senator even found somewhat to admire in Andrew Johnson by comparison with the later object of his vituperation.[1] Apart from the ridiculous extravagance to which Sumner's personal antipathy carried him, there existed a perfectly serious and not unjustified feeling that the president was an unsafe if not a positively dangerous chief of the administration, and this feeling was the basis of the purely "anti-Grant" motive which was prominent in the Liberal movement. With those to whom this appealed, the end in view was not so much a specific policy as the expulsion of the military chief from political power.

The national convention which was called by the Missouri Liberals assembled at Cincinnati, May 1, 1872. Among its members and its sympathizers were included a notable array of names prominent earlier or later in the Republican party. David A. Wells, Edward Atkinson, and William Cullen Bryant represented the demand for tariff reform; Carl Schurz and J. D. Cox emphasized the civil service reform idea; David Davis and Lyman Trumbull typified the dread of centralization and of departure from ancient constitutional theories; Horace Greeley and Charles Francis Adams were chiefly concerned with eliminating the southern question from politics; ex-Governors Curtin, of Pennsylvania, and Fenton, of New York, embodied resentment at the administration politics which had exalted their personal

[1] *Cong. Globe.*, 42 Cong., 2 Sess., 4121.

rivals, Senators Cameron and Conkling; and all the list agreed with enthusiasm that the chief obstacle to the realization of any of their special desires was the continuance of Grant in the White House. Schurz was permanent chairman of the convention, and the platform[1] which it adopted embodied a bitter arraignment of the president's record, both personal and purely political. On its positive side the document demanded all the various reforms which have been referred to above save reduction of the tariff. To reconcile the extreme protectionism which Greeley had preached for thirty years with the free trade for which Wells and Bryant were striving proved quite beyond the genius of the experts in platform writing. As a result, the plank touching the tariff merely announced irreconcilable differences on the subject, which were left to the people to decide by their choice of congressmen. As to the southern question, the declaration of Liberal faith was clear and explicit: equal rights before the law, regardless of race or color; no reopening of the questions settled by the last three amendments of the Constitution; and immediate and complete removal of political disabilities.

All the sanguine hopes of thoughtful men as to this convention's work were wrecked by the nomination for the presidency. That Charles Francis Adams or David Davis or Lyman Trumbull or Gratz

[1] McClure, *Our Presidents*, 231; Stanwood, *Hist. of the Presidency*, 341.

Brown might lead the cause had been contemplated with serenity by all. But when, on the sixth ballot, Horace Greeley received the necessary majority and became the candidate, the doom of Liberalism was sealed. The hopes of success had turned on the selection of a candidate who first of all, by a record of political strength and sagacity, should divert Republican votes from Grant, and then, by a record of sympathy with some article of the ancient creed of the Democrats, should make it easy for them to follow him in dropping the issues of the war. Greeley was the farthest possible from fulfilling either of these requirements.[1] The qualities of head and heart for which he was notorious justified the common remark among Republicans that to turn a knave out of the White House for the purpose of putting a fool in was hardly worth while; and the discovery of any single expression, in all his writings of thirty years, signifying aught but contempt for whatever pertained to Democracy was a task beyond the power of himself or any of his friends.

In spite, however, of the dissatisfaction which the nomination inspired, the general plan of campaign on which the Liberal convention had been based was carried out. This had turned upon the adoption of the Cincinnati platform and candidates by the Democracy. Influential Democrats, notably F. P. Blair, now senator from Missouri, had been in close touch

[1] Blaine's estimate of Greeley and of the whole Liberal movement is valuable. Blaine, *Twenty Years of Cong.*, II., 520, 531.

with the Liberal chiefs,[1] and were too deeply committed to withdraw. By this time there was, indeed, no hope of success against Grant except through Greeley; and accordingly the Democratic convention, which met at Baltimore, July 9, simply adopted the platform and the candidates of the Liberals. The acceptance of the platform was a step of great significance. Four years earlier the Democratic national convention, under southern inspiration, committed the party to repudiation of congressional reconstruction and the war amendments as revolutionary and void;[2] now it solemnly resolved to maintain emancipation and enfranchisement, and "to oppose any reopening of the questions settled by the Thirteenth, Fourteenth, and Fifteenth Amendments." This was simply to acknowledge defeat on the issues of the war and reconstruction, to relegate those issues to the dead past, and to take a stand on the necessity of such relegation. The expediency of this "new departure" in party policy had been widely discussed during the growth of the Liberal movement. Vallandigham, of Ohio, had strongly advocated a change of base by the Democracy,[3] and the support given to the project by the old Copperhead faction, which he represented, had been a source of much encouragement to the anti-Grant Republicans.

[1] McClure, *Our Presidents*, 230; Blaine, *Twenty Years of Cong.*, II., 524.
[2] See above, p. 132
[3] *Am. Annual Cyclop.*, 1871, pp. 609, 750.

On June 5, a month before the Democratic convention did its work, the regular Republicans met at Philadelphia and carried through the long predetermined programme of naming General Grant for a second term. The serious anxiety which the Liberal defection caused to the party chiefs was largely dispelled by the outcome at Cincinnati; for it was confidently calculated that the Democrats alienated by Greeley would outnumber the Republicans attracted by the movement. If the Democratic convention should refuse to indorse Greeley, the opposition to Grant would be divided and powerless; if the convention should give its indorsement, the problem of defeating Horace Greeley as the nominee of the Democracy seemed ridiculously easy of solution. The platform at Philadelphia was carefully drawn so as to emphasize the party disloyalty of the Liberals and deny them the name of Republicans. Though a host of men who had been indispensable to Lincoln in the war-time and to Congress in its reconstruction policy were supporters of Greeley, the Philadelphia convention claimed to represent the party which had suppressed the rebellion and carried through the emancipation and enfranchisement of the blacks. On civil service reform and amnesty the platform was not far removed from that of the Liberals; on the tariff it threw into strong relief the disharmony of its opponents by declaring definitively for protection; but the most characteristic feature of the platform was the clear

and explicit indorsement of the enforcement acts. The party leaders felt entire confidence in an appeal to northern sentiment against the "violent and treasonable organizations in certain lately rebellious regions," and shrewdly trusted in the efficacy of sectional antipathies to counteract the Liberal demand that the issues of the war be dropped.

The electoral campaign at the outset was not destitute of cheer to the Liberals,[1] but by the end of the summer all hope was gone, save to their candidate, and his baseless optimism was but another evidence of his unsound judgment. Liberal Republicans in great numbers abandoned openly or secretly the cause which they had supported; northern Democrats sullenly repudiated a candidate whose life had been devoted to vituperation of all that they believed in, though a movement for an organized bolt by "straight-out" Democrats failed through lack of a leader[2] to make much impression. In the South the Democrats were generally willing to take Greeley in preference to Grant, but enthusiasm was not conspicuous. The state elections in September and October confirmed the anticipations of shrewd observers, and convinced Greeley himself that his cause was lost. In November came the

[1] McClure, *Our Presidents*, 242; Blaine, *Twenty Years of Cong.*, II., 534.

[2] A convention at Louisville, September 3, nominated Charles O'Conor for president and John Quincy Adams for vice-president, but both declined to run. *Am. Annual Cyclop.*, 1872, p. 782.

full revelation of the popular verdict, in the triumph of Grant by 286 out of 352 electoral votes,[1] and a popular majority of some seven hundred and fifty thousand. No northern state was carried by Greeley; the seven which gave him majorities were three of the border states — Maryland, Kentucky, and Missouri — and four of the Confederacy — Georgia, Tennessee, Louisiana, and Texas. His overwhelming defeat combined with recent domestic affliction to unseat the unfortunate candidate's reason, and he died a madman, November 29, 1872.

For the magnitude of the catastrophe which swept the Liberal movement to abrupt extinction, the peculiar unfitness of its candidate was chiefly responsible; but it is scarcely probable that it would have succeeded with any candidate. The time had not yet come when an appeal to sectional feeling would fail to determine the political course of the northern masses. Butler and Morton and Hoar and the rest of the radicals who forced the Ku-Klux issue to the front were more sagacious than the Liberals in their estimate of popular emotion. It was good "politics," if not the most far-sighted wisdom, to call the war spirit to the aid of the war chief by reviving the cry of treason and rebellion. Exalted intellects like those of Schurz and Chase could appreciate the refinement of justice in enfranchising

[1] This was as the vote was finally counted in Congress. The votes of Louisiana and Arkansas were excluded. Stanwood, *Hist of the Presidency*, 353.

the black hordes of the South and then leaving them to fight it out with their former masters; but the rank and file of the Republicans, having with much travail of spirit accepted the policy of bestowing the suffrage, could not turn so sharp a corner and leave the new voters to their fate. That distrust of the southern whites which had been so violently stimulated in the North in order to secure the reconstruction acts and the Fifteenth Amendment long remained sensitive to manipulation by politicians of high and low degree. Only by some tremendous shock of social and economic circumstance could the southern question be displaced from its dominant position in the political consciousness of the North. Such a shock proved to be near at hand when General Grant, in March, 1873, entered formally upon his second term in the White House.

CHAPTER XIII

POLITICAL AND SOCIAL DEMORALIZATION IN THE SOUTH

(1870–1873)

THE disastrous collapse of the Liberal movement brought dismay and despair to the white people of the South; it seemed to postpone indefinitely the reversal of national policy which had been so sanguinely hoped for, and to forebode an increase of the rigor with which the enforcement acts were applied by the administration. Some mitigation of the burdens of which the southerners complained had, indeed, attended the progress of the Liberal movement. In 1871 the requirement of the iron-clad oath was repealed so far as ex-Confederates were concerned;[1] the next year Congress, by a sweeping amnesty act,[2] removed the disabilities from all but a small remnant, estimated at about seven hundred and fifty, of those whom the Fourteenth Amendment excluded from office; and an effort of the radicals to extend the term of the president's

[1] Richardson, *Messages and Papers*, VII., 123.
[2] *U. S. Statutes at Large*, XVII., 142; Blaine, *Twenty Years of Cong.*, II., 513.

summary powers under the Ku-Klux act failed.[1] Thus a host of southerners became again eligible to the political dignities to which their fellow-citizens might wish to raise them; and the suspension of the *habeas corpus* was no longer to be employed as it had been in South Carolina. But eligibility to office was of small practical consequence where election was impossible; and the enforcement acts permitted the exercise of Federal power through Federal troops without reference to the provision concerning the *habeas corpus*. In the ordinary process of criminal justice, and at every election, the interposition of United States marshals accompanied by United States soldiers was a normal incident,[2] and to that extent the sense of subjection was kept always active among the people. General Terry, commanding the Department of the South, reported in 1871 two hundred instances in which detachments of troops were sent out to aid civil officers, including state authorities as well as Federal.

This ever-present source of irritation came as an aggravation of the evils which by 1872 had in many places become intolerable, arising from the inefficiency, extravagance, and corruption of the radical southern state governments. That the practical working of these organizations was in all the states bad, and in some of them a mere travesty of civilized government, was made clear by the investigation of

[1] *Cong. Globe*, 42 Cong., 2 Sess., 3931, 4323.
[2] Sec. of War, *Annual Report*, 1871, p. 63.

the joint committee of Congress,[1] commonly known as the Ku-Klux committee; and it was not denied, though it was palliated, in the report of the Republican majority of that committee.[2]

The most conspicuous feature of maladministration was that of the finances. To the ambitious northern whites, inexperienced southern whites, and unintelligent blacks who controlled the first reconstructed governments, the grand end of their induction into power was to put their states promptly abreast of those which led in the prosperity and progress at the North. Things must be done, they believed, on a larger, freer, nobler scale than under the debased régime of slavery. Accordingly, both by the new constitutions and by legislation, the expenses of the governments were largely increased: offices were multiplied in all departments; salaries were made more worthy of the now regenerated and progressive commonwealths; costly enterprises were undertaken for the promotion of the general welfare, especially where that welfare was primarily connected with the uplifting of the freedmen. The result of all this was promptly seen in an expansion of state debts and an increase of taxation that to the property-owning class were appalling and ruinous. And the fact which was of the first impor-

[1] See above, p. 188.

[2] *House Reports*, 42 Cong., 2 Sess., No. 22, pt. i., p. 85 et seq. See especially the report of the sub-committee on debts and election laws, p. 101.

tance in the situation was that this class, which paid the taxes, was sharply divided politically from that which levied them, and was by the whole radical theory of the reconstruction to be indefinitely excluded from a determining voice in the government.

Of the objects of outlay which contributed to swell the annual deficit of the state treasuries, many were, of course, unexceptionable from any point of view. The rebuilding of roads, bridges, and levees, the renovation of public offices and other property, the restoration of town improvements that had suffered by the devastation of the war—all these works absorbed large sums and were unopposed by the conservatives, save where extravagance and corruption were manifest or suspected. In respect to the blacks, the governments had now to assume many responsibilities which in slavery either pertained to the masters or had no existence. Thus the administration of criminal justice for the newly enfranchised citizens and the regulation of their family and property relations made an important increase of public expenditure inevitable. One of the largest items in the budgets of reconstruction was the schools. Free public education existed in only a rudimentary and sporadic form in the South before the war, but the new constitutions provided generally for complete systems on advanced northern models.[1] The financial burden of these enter-

[1] Garner, *Reconstruction in Miss.*, chap. x.; Fleming, *Reconstruction in Ala.*, chap. xix.

prises was very great, and the irritation thus caused was increased by the fact that the blacks were the chief beneficiaries of the new systems, while many of the white tax-payers considered the education of the negro, as carried on in the public schools, to be either useless or positively dangerous to society.

Perhaps the chief element in the vast expansion of state debts under the radical régime was that incidental to the construction of railroads. That many new lines and great improvements in the old were essential to the economic resurrection of the South, was recognized by conservatives and radicals alike, and almost all the new constitutions authorized the loan of the state's credit to railway enterprises. The North and West were at this time in the midst of the great railway-building era elsewhere described,[1] and the spirit of these sections moved across Mason and Dixon's line and down to the Gulf. Projects of every degree of promise and of fatuity were laid before the southern legislatures for their authorization and endowment. Splendid pictures of economic rehabilitation were exhibited by the railway lobbyists, to follow the guarantee of specified bonds; and many a sable legislator whose financial experience before 1868 had been bounded by the modest limits of a bootblack's or a field hand's income was called upon to ponder the policy of enterprises whose cost to the state would run into the millions. The result was legislation of in-

[1] See above, chap. ix., and below, chap. xiv.

credible recklessness executed with inconceivable corruption and fraud. On the debts due to the extension of the government's regular expenses were piled great masses of actual or prospective liabilities incurred on behalf of the railways. A very conservative figure in 1872 put the increase of indebtedness of the eleven states since their reconstruction at $131,717,777.81, of which more than two-thirds consisted of guarantees to various enterprises, chiefly railways.[1] Much of this was well secured, so far as the terms of the law were concerned, by liens on the completed roads; but it happened in only too many instances that the issue of bonds preceded the completion of the work, with the result that great quantities of state-indorsed securities represented no property of ascertainable value. Moreover, in South Carolina, Georgia, and Alabama, railways that had been owned in whole or in part by the states were grossly mismanaged, and were exploited for the profit of politicians.[2]

In the maladministration that brought ruin to the finances, inefficiency and corruption played about equal parts. The responsible higher officials were in many cases entirely honest, though pathetically stupid, in their schemes to promote the interests of their respective states. But the governments numbered in their *personnel*, on the other hand, a host of

[1] Ku-Klux Committee, *Report*, 101 et. seq., esp. 213.

[2] *Ibid.*, 389; *Am. Annual Cyclop.*, 1871, 350; Fleming, *Reconstruction in Ala.*, 599.

officers to whom place was merely an opportunity for plunder. The progressive depletion of the public treasuries was accompanied by great private prosperity among radical politicians of high and low degree. First to profit by their opportunity were generally the northerners who led in radical politics; but the "scalawag" southerners and the negroes were quick to catch the idea. Bribery became the indispensable adjunct of legislation, and fraud a common feature in the execution of the laws. The form and manner of this corruption, which has given so unsavory a connotation to the name "reconstruction," were no different from those which have appeared in many another time and place in democratic government. At the very time, indeed, when the administrations of Scott, in South Carolina, and Warmoth, in Louisiana, were establishing the southern high-water mark of rascality in public finance, the Tweed ring in New York City was at the culmination of its closely parallel career. The really novel and peculiar element in the maladministration in the South was the social and race issue which underlay it, and which came to the surface at once when any attempt at reform was instituted.

In most of the reconstructed states the very first term of the radical administration developed a schism in the party in power. In a general way the line of this cleavage was that dividing the southern white from the northern white element—the scala-

wag from the carpet-bagger. Between these two elements there was a natural divergency of feeling and policy in respect to the blacks, who constituted the bulk of the party. As the negroes caught the spirit of politics and demanded more and more of the positions and essential power in their party, the southern whites could not bring themselves to the same amount of concession that the carpet-baggers made. The latter, therefore, became more and more decisively the controlling element of the party. Meanwhile the Democratic whites, constituting the main body of tax-payers, watched with deepest alarm the mounting debt and tax-rate in every state. They were carrying most of the burden which radical extravagance and corruption were creating, and they had small chance of success in any election against the compact mass of negroes. They welcomed, therefore, the chance to profit by the radical schisms, and accordingly we find in most of the states, by 1872, a coalition of reforming Republicans and Democrats, under the name conservatives, in opposition to the dominant radicals. The net outcome of this movement was a sharpening of race lines in party division—a loss to the radicals of a considerable fraction of the initially small white element which they possessed. The tendency towards purely race parties was promoted also by the return to the North of many of the better class of carpet-baggers, discouraged with the failure of their projects for making an honest fortune.

In the reshaping of parties the conservatives profited somewhat by the general amnesty act of Congress,[1] which brought many influential men once more to the front. But the obstacles to a successful campaign against the radicals were appalling. Not only were the negroes impervious to arguments based on existing maladministration, but, where the whites were in the majority, the election laws of most of the states enabled the party in power to determine the result much at its will. In this matter the reconstructed constitutions and legislatures followed the example of the original acts of Congress, and conferred upon the governors much the same authority over the registration and elections as had been possessed by the district commanders during the military régime.[2] Under cover of a purpose to insure protection to the negro voter, the control of the local electoral machinery was centralized at the state capitals, and extraordinary facilities for fraud were embodied in the laws regulating both the casting and the counting of the ballots.[3] The capstone of the system was the "returning board," which in some of the states was so constituted and so endowed with power over the final canvass of the votes that the governor and his appointees could determine the result practically at their discretion, with but perfunctory reference to the earlier incidents of the election.

[1] See above, p. 203.
[2] Cf. Dunning, *Essays*, 190.
[3] Ku-Klux Committee, *Report*, 252, 253, 354 et seq.

A final and terribly effective obstacle to political reformation by the conservatives was the power of the national administration. After the full committal of President Grant to the policy of the enforcement acts, the civil, judicial, and military service of the United States in the South became gradually a mere adjunct of the radical state governments.[1] Energetically directed by the attorney-general at Washington, the district-attorneys and marshals, and in some flagrant instances the district judges themselves, gave indispensable support to the radical cause. Indictments under the Ku-Klux act, never brought to trial, were used as a moderating influence on conservative enthusiasts in close districts; and it became a leading function of United States soldiers to counteract by their presence any tendency of negro interest in politics to wane. Thus the useful service of the national power in restraining the rash and violent elements of southern white society that were active in the later phases of the Ku-Klux movement was gradually transformed into the support of a social and political system in which all the forces that made for civilization were dominated by a mass of barbarous freedmen.

With the dwindling of the white element in the radical party, it became increasingly apparent to reflecting men that the demoralization in the South

[1] For a scandalous employment of Federal troops in a mere radical faction fight, see *House Reports*, 42 Cong., 2 Sess., No. 92.

was less political than social in its essence—that the antithesis and antipathy of race and color were crucial and ineradicable. Intelligence and political capacity were, indeed, almost exclusively in the one race; but this was not the key to the situation, for the relations of the higher class of whites with the blacks were notoriously far less hostile than those of the lower class. A map of the Ku-Klux operations which gave occasion for the enforcement acts does not touch the region of the great plantations and the black belts, where the aristocracy had their homes, but includes only the piedmont territory, where the poor whites lived. The negroes were disliked and feared almost in exact proportion to their manifestation of intelligence and capacity. What animated the whites was pride in their race as such and a dread, partly instinctive, partly rational, lest their institutions, traditions, and ideals were to be appropriated or submerged. Whether or not this feeling and spirit were abstractly preferable to those which animated the northern idealist who preached equality, the fact that such feeling and spirit were at work must be taken squarely into account by the historian.

The negro had no pride of race and no aspiration or ideals save to be like the whites. With civil rights and political power, not won, but almost forced upon him, he came gradually to understand and crave those more elusive privileges that constitute social equality. A more intimate associa-

tion with the other race than that which business and politics involved was the end towards which the ambition of the blacks tended consciously or unconsciously to direct itself. The manifestations of this ambition were infinite in their diversity. It played a part in the demand for mixed schools, in the legislative prohibition of discrimination between the races in hotels and theatres, and even in the hideous crime against white womanhood which now assumed new meaning in the annals of outrage. But every form and suggestion of social equality was resented and resisted by the whites with the energy of despair. The dread of it justified in their eyes modes of lawlessness which were wholly subversive of civilization. Charles Sumner devoted the last years of his life to a determined effort to prohibit by Federal law any discrimination against the blacks in hotels, theatres, railways, steamboats, schools, churches, and cemeteries.[1] His bill did not pass Congress till 1875, after his death, but his idea was taken up and enacted into law by most of the southern radical legislatures. The laws proved unenforceable and of small direct consequence, but the discussion of them furnished rich fuel to the flames of race animosity, and nerved many a hesitating white, as well as many an ambitious black, to violent deeds for the interest of his people.

[1] Pierce, *Sumner*, IV., 499, 580, 581; *Am. Annual Cyclop.*, 1871, p. 752; 1872, p. 14.

The deeper springs of southern conditions were obscured to the northern masses by the cloud of partisan prejudice which hung over the subject. The radical claim that impenitent rebels were still responsible for all the troubles in the South, through their undying hatred of the negro and of the Republican party, served as a sufficient sedative for uneasiness, so long as economic prosperity in the North disposed the minds of the masses to optimism. Yet the situation in the reconstructed states in 1873, when the second administration of President Grant got fairly under headway, was full of justification for despair.

Four of the states—Tennessee, Virginia, Georgia, and North Carolina—had come under conservative control, and were gradually assuming the guise of settled and orderly communities. But of these Virginia and North Carolina were confessedly bankrupt; and in all the states still under radical control the finances were in the last stages of rottenness and chaos. The amount of the state debt was in some cases undiscoverable, because no record of bond issues had been preserved.[1] Charges of fraud, bribery, and stealing constituted the burden of political discussion in every state. Three governors had been subjected to impeachment: Holden, of North Carolina, and Warmoth, of Louisiana, were convicted and deposed; Reed, of Florida, was ac-

[1] Cf. Herbert, *Why the Solid South?* 420; Fleming, *Reconstruction in Ala.*, 594.

quitted, not, apparently, so much on the ground of innocence as for the purpose of preventing the succession of a conservative.[1] Every election, state or national, was attended by charges on both sides of fraud, intimidation, and outrage. Disputes as to the results in 1872 were followed by the occupation of three state capitals—New Orleans, Montgomery, and Little Rock—by United States troops under the general direction of Attorney-General Williams.[2] This officer's opinions on legal and political questions became practically a decisive factor in the result of every southern state election.

South Carolina and Louisiana were in 1873 the spectacular illustrations of the working of reconstruction. The former state was thoroughly Africanized. A native white man, Franklin J. Moses, Jr., of notoriously bad character, succeeded the carpet-bagger Scott as governor, but most of the other elected executive officers, two-thirds of the legislature, and four out of the five congressmen were negroes.[3] The shameless caricature of government which had prevailed at Columbia since the blacks came to power was now known in its general features throughout the North.[4] The disgust which it might have been expected to inspire was subdued,

[1] *Am. Annual Cyclop.*, 1871, p. 559 (N. C.); Herbert, *Why the Solid South?* 158 (Fla.), 415 (La.).

[2] *Am. Annual Cyclop.*, 1872, pp. 12, 483; 1874, p. 41.

[3] Reynolds, *Reconstruction in S. C.*, 224.

[4] For details, see Herbert, *Why the Solid South?* 88 et seq.; Pike, *The Prostrate State*, 120 et seq.

however, by the feeling that the original secessionists were meeting deserved retribution. Pathetic appeals of the small body of decent white men who were still striving to maintain their rights and their property against the flood of barbarism went unnoticed. President Grant, who found abundant ground for interfering in other states, met the prayer of a delegation from South Carolina with a *non possumus* in which the *nolumus* was unconcealed.[1]

The situation in Louisiana was more dramatic than that in South Carolina. Henry C. Warmoth, the carpet-bagger who was elected governor in 1868, became involved during his term in a violent faction fight with adversaries in his own party headed by Packard, the United States marshal. In the election of 1872 Warmoth became a Liberal and supported the conservative state ticket against the radicals, who had the favor of President Grant. The result of the election depended chiefly on the returning board, and the legal composition of this body was in dispute. Warmoth, in an exceedingly bitter and unscrupulous conflict in the state courts, clearly outpointed his adversaries and secured a canvass of the returns by his own board, giving the presidential electors, the governorship, and the legislature to the conservatives. But Packard appealed to the United States district judge, Durell, who, in a grossly irregular way, prohibited the conservative legislature to meet, ordered Federal troops to occupy

[1] Reynolds, *Reconstruction in S. C.*, 263.

their hall and prevent their meeting, and directed a canvass of the returns of the election by a board which he said was the legal one. Warmoth took care that this board should not get possession of the actual returns, but a canvass was nevertheless made of affidavits, census reports, and politicians' guesses, and the radical electors, governor, and legislature were declared elected.

Thus double electoral returns were sent to Washington, and two governments were organized in New Orleans. The radical legislature went through the form of impeaching and deposing Warmoth, recognized the mulatto Pinchback as his temporary successor, and finally installed Kellogg, another carpet-bagger, as the duly elected governor. The conservative legislature recognized Warmoth till the end of his term, in January, 1873, and then installed McEnery, their candidate, as governor. The president, urged by his brother-in-law, Casey, collector of the port at New Orleans, and by Packard, the United States marshal, recognized Pinchback and Kellogg, and directed the troops to protect them. Later he referred the matter to Congress,[1] where it became a subject of hot factional conflict within the Republican majority. In counting the electoral votes in February, 1873, the two houses refused to accept either return from Louisiana.[2] The Senate committee on elections, after making a care-

[1] Richardson, *Messages and Papers*, VII., 212.
[2] Stanwood, *Hist. of the Presidency*, 355.

ful investigation, denounced in unmeasured terms the proceeding of Judge Durell, but failed to find a basis for definitive recognition of either of the state governments,[1] and advised that another election be held. No measure for this purpose could be passed, and Louisiana remained in anarchy. The city of New Orleans and the white population generally recognized the McEnery government; the blacks under their carpet-bagger chiefs recognized Kellogg. In the rural districts of the state serious collisions between the races were caused by the disputes about the offices. Most disastrous was the affair at Colfax, Grant Parish, in April, 1873, where in a pitched battle several white men and more than fifty negroes were killed.[2] The troops of the United States were admittedly all that kept the whites from sweeping Kellogg and his black supporters into oblivion. Such was the situation which, even more glaringly than the conditions in South Carolina, displayed to the people of the North the *reductio ad absurdum* of reconstruction through negro suffrage and a régime of carpet-baggers.

[1] *Senate Reports*, 42 Cong., 3 Sess., No. 457.
[2] *Am. Annual Cyclop.*, 1873, p. 450; *House Reports*, 43 Cong., 2 Sess., No. 261, pt. ii., pp. 11, 891.

CHAPTER XIV

COMMERCIAL AND INDUSTRIAL DEMORALIZATION IN THE NORTH

(1869–1873)

THE years during which the southern situation assumed the depressing aspect just suggested were to the rest of the Union years of exuberant economic prosperity. With the inauguration of Grant in 1869 and the apparent settlement of the vexatious question of political reconstruction, all restraint upon the spirit of optimism seemed to disappear. Every form of business enterprise displayed a restless activity; but side by side with impressive exhibitions of honorable and legitimate methods in successful commerce and industry appeared in disproportionate prominence the sordid and repulsive features of a wealth-getting era. The period of Grant's administrations was characterized by a conspicuously low tone of both public and private morality.

The problems of national finance, which had been so haltingly dealt with under Johnson, were taken up in a distinctly more hopeful spirit under his successor. Secretary Boutwell was as free as McCulloch

had ever been from presidential interference with the management of the treasury,[1] and was, in addition, on harmonious terms with the majority in Congress. Progress, therefore, was possible in financial readjustment, though differences of opinion among the Republicans, both leaders and rank and file, put out of the question any comprehensive project for the settlement of all pending fiscal problems.

The danger to the public credit which was involved in the greenback movement in 1868 was counteracted immediately upon Grant's assumption of office, by the act of March 18, 1869, pledging the faith of the United States to pay in coin all obligations not in terms otherwise redeemable, and also to provide as soon as practicable for the redemption of the legal tenders in coin.[2] This same Congress, in its later sessions, systematized the process of reducing the debt and the annual interest by the refunding acts of 1870 and 1871, which authorized the substitution of bonds bearing four, four and one-half, and five per cent. interest for the war-time issues at higher rates.[3] Though the most sanguine expectations as to the working of this legislation were not realized, its general influence was good, and the burden of the debt was soon materially lessened.[4]

[1] See above, p. 136; Boutwell, *Reminiscences*, II., 166.
[2] McPherson, *Hist. of Reconstruction*, 412; see above, p. 139.
[3] *U. S. Statutes at Large*, XVI., 272, 399.
[4] Dewey, *Financial Hist. of U. S.*, 354; Boutwell, *Reminiscences*, II., 144.

The revenue system was also subjected to a far-reaching revision during Grant's first term. By virtue of the still-existing war taxes the receipts of the treasury were heavily in excess of expenditures,[1] the surplus going to reduce the debt. But with all the popular enthusiasm for paying off the debt, the complaints of oppressive taxes were incessant, and Congress was obliged to give heed: an act of July 14, 1870, was the outcome. By this measure sweeping reductions were made in the internal taxes, cutting off some fifty million dollars of revenue annually, but only slight and unimportant changes could be agreed upon in the tariff on imports.[2] Two years later, however, under pressure of anti-protectionist sentiment among western Republicans, and the threatening aspect of the Liberal movement, a horizontal reduction of ten per cent., together with the repeal of the duties on coffee and a few other articles, was, after great difficulty, forced through Congress.[3] Through this legislation a further curtailment of the revenue by some thirty million dollars annually was effected. The protectionists were able, however, to preserve their principle as embodied in the war tariff, and circumstances were soon to enable them to regain the little ground lost through the ten per cent. reduction.

Of all the elements of public finance, the least satis-

[1] Table in Dewey, *Financial Hist. of U. S.*, 401.
[2] *Ibid.*, 397.
[3] Stanwood, *Hist. of Tariff Controversies*, II., 178.

factory in its condition and the most potent in stimulating the spirit of speculation was the currency. Though the redemption of the greenbacks was generally assumed to be certain, the time and manner of the process were wholly unsettled. When Congress peremptorily put a stop to the retirement of the notes by Secretary McCulloch,[1] room for doubt was left as to the authority of the secretary touching those which had been withdrawn. The maximum circulation fixed by law was $400,000,000; the actual circulation was $356,000,000. Was the secretary of the treasury authorized to reissue the difference, $44,000,000, which he had, in accordance with law, retired? The uncertainty as to his power, and, assuming his power, the uncertainty as to his inclination, were for Wall Street and for all the complex interests that radiated from that centre an object of lively speculation. That the secretary might, at his discretion and without warning, inject so large a sum into the currency of the country was a fact that could not be left out of account by any financier or by any commercial or industrial promoter. Nor was this the only respect in which the treasury was potent in business. The government was the largest dealer in gold in all the land; in payment of customs duties a large proportion of the nation's supply of free gold flowed into the treasury. The metal was regularly returned to circulation, not only by the payment of interest on the debt,

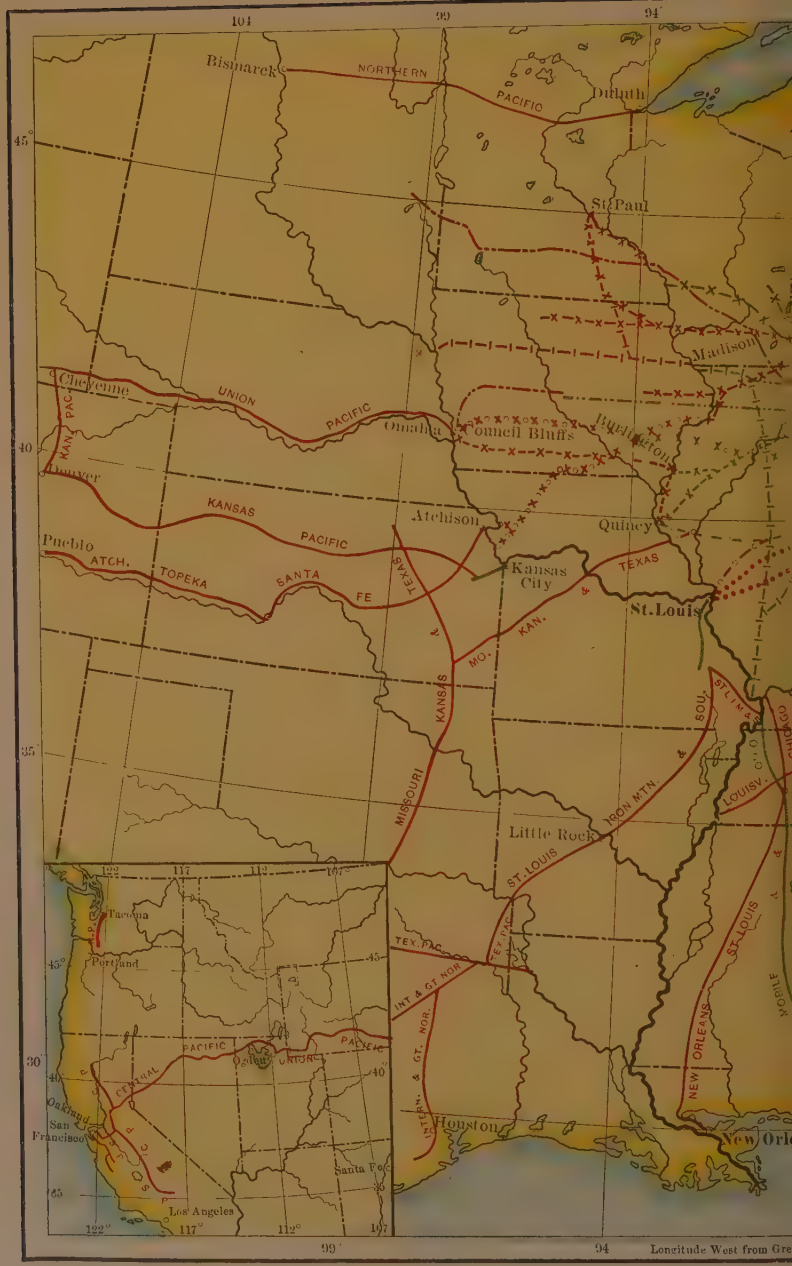
[1] See above, p. 138.

but also by public sales, the time and amount of which were fixed by the secretary; hence this officer could exert a powerful influence on the market-price of gold, and thus on the specie value of the legal-tender currency.

The grave responsibility which this situation devolved upon the administration had unhappy consequences in both business and politics. The magnates of industry and finance were obliged to shape their projects by subtle calculations as to the mental processes of the secretary of the treasury and the president. It is not surprising that efforts were made to determine those processes in advance. An audacious attempt of Fisk and Gould to corner gold in the summer of 1869 was based upon a systematic campaign to influence President Grant; but Secretary Boutwell was left by the president free to act, and by a sudden sale of treasury gold thwarted the speculators' scheme and precipitated the panic of Black Friday.[1] This spectacular episode increased the sensitiveness of popular opinion as to the relations of the treasury with business. Later in Grant's first term, Secretary Boutwell, under pressure of apparent danger to the public credit, ventured to solve the problem of his authority over the retired greenbacks by reissuing temporarily some six million dollars.[2] This again illustrated the power of

[1] Boutwell, *Reminiscences*, II., chap. xxxv.

[2] Dewey, *Financial Hist. of U. S.*, 360; *Cong. Record*, 43 Cong 1 Sess., 704.



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UNION
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KAN. PAC.
Omaha
Council Bluffs
Burlington
Denver
KANSAS
PACIFIC
Atchison
Quincy
Pueblo
ATCH.
TOPEKA
SANTA
FE
TEXAS
Kansas City
TEXAS
St. Louis
MO. KAN. &
KANSAS
MISSOURI
SOU.
ST. L. I. M. &
LOUISV.
IRON MTN.
Little Rock
ST. LOUIS
TEX. PAC.
TEX. PAC.
INT. & GT. NOR.
INTERN. & GT. NOR.
Houston
NEW ORLEANS
ST. LOUIS
New Orl
Tacoma
Portland
PACIFIC
Ogden
UNION
PACIFIC
CENTRAL
Oakland
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Santa Fe
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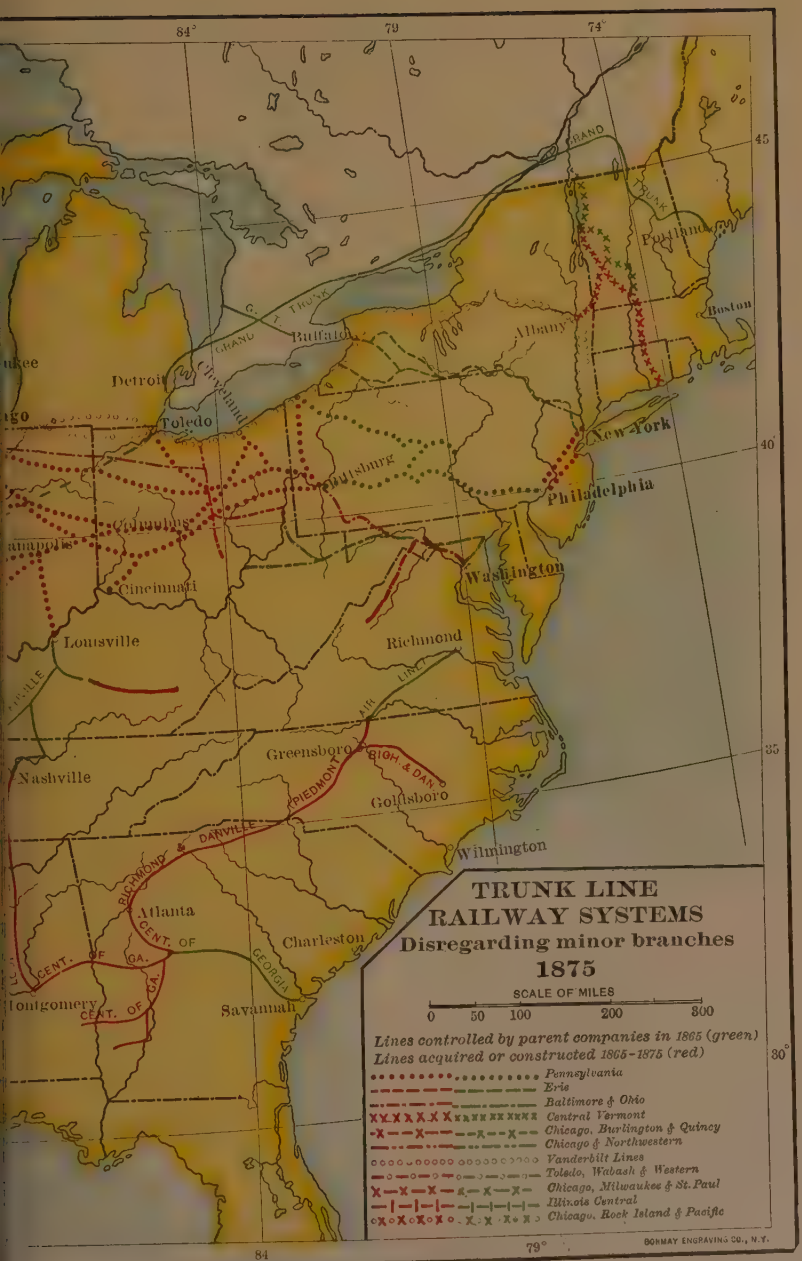
84°
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Cleveland
Buffalo
Albany
Boston
New York
Philadelphia
Washington
Cincinnati
Louisville
Richmond
Nashville
Greensboro
Goldsboro
Wilmington
Atlanta
Charleston
Savannah
Montgomery
GRAND TRUNK
C. J. TRUNK
PIEDMONT AIR LINE
RICH. & DANV.
RICHMOND & DANVILLE
CENT. OF GA.
GEORGIA
TRUNK LINE
RAILWAY SYSTEMS
Disregarding minor branches
1875
SCALE OF MILES
0 50 100 200 300
Lines controlled by parent companies in 1865 (green)
Lines acquired or constructed 1865-1875 (red)
Pennsylvania
Erie
Baltimore & Ohio
Central Vermont
Chicago, Burlington & Quincy
Chicago & Northwestern
Vanderbilt Lines
Toledo, Wabash & Western
Chicago, Milwaukee & St. Paul
Illinois Central
Chicago, Rock Island & Pacific
BONNAY ENGRAVING CO., N.Y.

the treasury, and evoked severe criticism, not only from those who objected to all implication of the government in the affairs of Wall Street, but also from those who feared a movement towards inflation of the currency.

The West continued to furnish under Grant, as it had furnished under Johnson, the chief inspiration to the economic progress of the nation. Prosperity was, indeed, quite general in its manifestations; but it was the rapid opening up and settlement of the fertile plains of the north Mississippi Valley that brought into highest relief the typical features of the time. The movement of population to this region and of crops away from it was a chief factor in the enormous development of railroads; and this development was, beyond question, the controlling influence in both the prosperity which distinguished the period and the catastrophe with which it ended.

After 1869 the consolidation of great trunk lines, to which reference has already been made,[1] continued on an ever-increasing scale.[2] In 1871 the Pennsylvania formally organized a general system which put her mileage far in excess of that of any of her eastern rivals, and included a direct line from New York to every leading city as far as Chicago and St. Louis. The Vanderbilts, in 1873, made Chicago their western terminus. By 1874 the Baltimore & Ohio had a continuous line to the same city. West of Chicago five powerful systems com-

[1] See above, p. 148. [2] See map, facing p. 224.

pleted their connections across Iowa to the Missouri River; and in addition the Milwaukee & St. Paul and the Chicago & Northwestern pushed extensive enterprises into the undeveloped regions of Minnesota and northern Wisconsin. Still farther west a number of companies whose names betokened an ambition to reach the ocean goal—the Kansas Pacific, Southern Pacific, Texas & Pacific, and Northern Pacific—stretched their lines across the plains, but without the *élan* that carried the first transcontinental road to completion.

The effects of railway development on the general financial and economic situation were everywhere conspicuous. In the eastern parts of the country the multiplication of new lines little more than kept pace with the demands of the industrial and commercial enterprises which it stimulated; in the new regions of the West construction went boldly far in advance even of population, and absorbed enormous amounts of capital on which the most sanguine investors could not expect fair returns for years. The efforts to escape or to distribute the risk and burden of this situation gave a perpetually feverish character to the financial markets. This condition was aggravated by the operations attending the process of consolidation. The creation of the great systems was accompanied by stock-watering and other manipulation of securities on a scale at that time unprecedented. These proceedings, though quite in harmony with the prevalent spirit

of speculation, appeared to the masses of the people, untutored in the principles of high finance, iniquitous and alarming. The men who were concerned in the greatest of the new enterprises—the Vanderbilts, Jay Gould, Thomas A. Scott, John W. Garrett—were indiscriminately grouped as a band of pirates, amassing wealth at the expense of their fellow-citizens.

Popular discontent with various aspects of the railway situation became politically active, especially in the West, in the early seventies. A general demand found expression in all party platforms that the grant of public land to "corporations and monopolies should cease." Now that the immigration of actual settlers was growing very large, it was considered a serious grievance that so much desirable land could be procured only through the agents of the railroads, and at prices much above that at which adjoining pieces had been sold by the government. From the inauguration of the railway land-grant policy in 1850 to 1873, some thirty-five million acres had been actually transferred from the government to railways; and in the latter year the amount yet to be transferred under existing laws to the Pacific roads alone was estimated at one hundred and forty-five million acres.[1] Before such figures the land-hungry western farmer stood aghast, and his resentment against the magnates of railway finance waxed fierce. In the

[1] Sec. of Interior, *Annual Report*, 1873, p. 288.

elections of 1872 every national platform embodied the demand that grants to corporations should cease.[1]

A more effective expression of popular feeling was the so-called "Granger Legislation." Beginning with Illinois in 1871, most of the states of the Northwest adopted measures of varying stringency for the control of transportation within their boundaries: commissions were created, with extensive supervisory power over the roads; discrimination in charges, whether among persons or among places, was prohibited; and in some of the states[2] maximum rates were prescribed for both passenger and freight traffic. The grievances which these drastic measures were designed to redress were in part due to the rapid opening of new grain-producing areas, giving crops that were too large to be cheaply and promptly carried to the markets by the railroads, and in part to the fierce efforts of the railway managers to pay dividends on the great capital which the operations of construction and consolidation had created. But the farmer felt that all the trouble lay in the greed and overgrown power of Vanderbilt and Scott and Gould, and that the people must through governmental action defend themselves from the oppression of these modern robber barons. Besides the state legislation which this spirit produced, exten-

[1] Stanwood, *Hist. of the Presidency*, 336 et seq.

[2] Notably Illinois and Wisconsin. *Am Annual Cyclop.*, 1871 p. 386; 1874, p. 808.

sive projects of action by the Federal government were agitated. The power of Congress in the premises was made the subject of investigation and report, and the interstate commerce act of later years was foreshadowed.[1]

The popular hostility to the railways was closely associated with the feeling roused by revelations of corruption in political life. It was freely charged that the corporations and the magnates of the financial world were achieving their ends by improper influence over public officials. During the first two years of Grant's administration a number of episodes revealed or suggested scandalous abuse of governmental power. Most notorious of these was the career of the Tweed ring in New York City. William M. Tweed was the "boss" of Tammany Hall. Through this organization he controlled the government of the city, and by the authority thus exercised in the Democratic party he secured, in 1869, a large measure of control over the state government also. His power was used to place and keep himself and his confederates in the offices through which the finances of the city were administered, and to thwart all efforts by outsiders to interfere with his methods. The result was fraud and stealing on a scale unparalleled in the history of civilized men. In two and a half years the debt of the city was increased by about seventy million dollars, most of which went into the pockets of the

[1] *House Reports*, 43 Cong., 1 Sess., No. 28.

ring.[1] Though the general features of these proceedings were notorious, it was not till the summer of 1871 that evidence could be secured on which the press generally and upright lawyers could effectively assail the offenders. By the end of the year Tweed was under indictment, his principal confederates had abandoned their offices and were preparing for flight, and the city government was out of Tammany's control.[2]

Popular interest in the career of the Tweed ring was chiefly absorbed in the ease and thoroughness with which the plundering crew looted the treasury of the metropolis; but thoughtful persons did not fail to notice that the great financial concerns of Wall Street manifested no signs of having suffered at the hands of the brigands; that judges who were creatures of the ring were the chief instruments in the most scandalous railway enterprises of Fisk and Gould;[3] and that when Tweed fell finally into the clutches of the law, Jay Gould was the most important signer of his million-dollar bail bond.

In many other states than New York evidences of corruption also appeared, though not on the same colossal scale. The governor of Nebraska was impeached and removed in 1871 for embezzlement; sensational revelations of bribery in the elections of

[1] Goodnow, in Bryce, *American Commonwealth* (ed. of 1888), II., 351.

[2] An excellent account of the whole affair in Rhodes, *United States*, VI., 392 et seq.

[3] Adams, *Chapters of Erie*, 33, 82, passim.

United States senators were made in Kansas in the following years.[1] Lesser scandals in state affairs were not infrequent, and all combined to strengthen the suspicions, which rumor and partisan malice kept active, that the national government also was permeated with corruption. Grant's Santo Domingo project had been attended by sinister hints of commercial and industrial speculations in the background. Our minister to Great Britain, General Schenck, brought disgrace upon himself and his government, in 1872, by association with a dubious mining speculation.[2] These indications that the spirit of unscrupulous wealth-getting was active among public men, combined with the popular uneasiness at the great growth of corporate power in the railways, prepared the way for the profound indignation and resentment which swept over the country in relation to the Crédit Mobilier.

This term of ill-omen came into general discussion during the presidential campaign of 1872. Charges were made in the press that many prominent congressmen had been bribed by gifts of stock in a corporation called the Crédit Mobilier. An investigation was promptly ordered when Congress met in December, 1872, and the facts were fully set forth in two reports of the committees headed by Mr.

[1] *Am. Annual Cyclop.*, 1871, p. 537; 1872 and 1873, art. Kansas.

[2] *House Reports*, 44 Cong., 1 Sess., No. 579, "The Emma Mine."

Poland and Mr. Wilson, respectively.[1] The Crédit Mobilier was a concern through which the controlling stockholders in the Union Pacific Railroad Company secured for themselves all the profits accruing from the contracts for the construction of the road. In 1867 a group of financiers, among whom Oakes Ames, a member of the House of Representatives from Massachusetts, was the active leader, holding a majority of the railroad stock, awarded to themselves, in their capacity as controllers of the Crédit Mobilier, a contract to build and equip a large part of the road on terms which insured to the persons concerned practically all the proceeds of the stock and bonds created by the railroad company.

To guard against any interference by Congress with the smooth working of the scheme, Ames, in the winter of 1867–1868, distributed among his associates in Congress a large amount of Crédit Mobilier stock at par, on which the dividends to the end of 1868 amounted to about three hundred and forty per cent. The recipients of this stock were selected by Ames with extraordinary shrewdness, in view of his purpose to put the shares "where they will do the most good to us."[2] Some of the members to whom the stock was offered refused to have anything to do with it; but those who took it, either directly or indirectly, and profited by it, included a number of the most influential men in public life.

[1] *House Reports*, 42 Cong., 3 Sess., No. 77; Rhodes, *United States*, VII., chap. xl. [2] Cf. Hoar, *Autobiography*, I., 316.

The exposure of these transactions by the Poland committee caused a great panic among all who had had any relations with Ames or his enterprise; and some, in their frantic efforts to escape the odium of corruption, brought upon themselves the added reproach of perjury. Colfax, the outgoing vice-president in 1873, and Wilson, his successor, were both tainted by the affair, the former ruinously. Oakes Ames and James Brooks, of New York, were recommended for expulsion by the investigating committee, but were by the House merely censured. Patterson, of New Hampshire, was recommended for expulsion by a committee of the Senate, but no action was taken before his term expired on March 4, 1873. All the other congressmen who had been concerned in this affair were declared by the committee guiltless of corrupt acts or motives; but this judgment saved their virtue at the sacrifice of their intelligence, for it was based on the view that they had taken the Crédit Mobilier stock without perceiving its relation to their official capacity.

The effect of the Crédit Mobilier revelations on popular feeling was far-reaching. They were regarded as confirming the worst suspicions current in reference both to the methods of railway corporations and to the influences pervading official life at Washington. By a peculiar coincidence the same session of Congress which opened with the Crédit Mobilier investigation closed with another

proceeding that was like vitriol on the raw wound of public sentiment. In the closing days of the session, by insertion in an appropriation bill, an increase of salaries was enacted for the president, vice-president, cabinet officers, judges of the Supreme Court, and all congressmen. For the senators and representatives the increase of twenty-five hundred dollars per annum was made retroactive, so that each member of the Congress that passed the bill would receive five thousand dollars for the two years of service just expiring. This feature was strongly opposed by members like Garfield, whose perception of the proprieties in official conduct had been much sharpened by the recent Crédit Mobilier investigation; but the bill was boldly pushed through, with B. F. Butler cynically leading the movement. The immediate result was an overwhelming explosion of wrath in the press and through every other medium for the expression of popular feeling. The "salary grab" and the "back-pay steal" became a theme of denunciation in every hamlet in the land, quite without distinction of party. In vain did the luckless legislators explain that an increase of their wages was justified by many considerations, and that the retroactive provision had precedents in every similar act throughout our history. Nothing availed to stem the torrent of adverse feeling. Most of the members who looked for future favor from their constituents refused to retain their share of back pay, and the new Congress which assembled

in December, 1873, with promptness and a chastened spirit restored the members' salaries to the original figures.

Meanwhile, before this humiliating action was taken, the era of prosperity, in which the miasma of greed and corruption appeared to have its source, came to an abrupt end. September 18, 1873, without premonition, the failure was announced of the banking house of Jay Cooke & Company. This firm enjoyed a unique position in popular estimation. It had been of invaluable service to the government in floating the great loans of the war-time, and its success was due to a shrewd appeal to the small capitalists scattered through the less densely populous parts of the country. The same method was applied in pushing the bonds of the Northern Pacific Railroad, but in this case it proved a failure and precipitated the firm's disaster. A man of ostentatious piety himself,[1] Jay Cooke impressed upon his business a moral, religious, and patriotic reputation, which to the godly people remote from the centres of high finance distinguished his enterprises from those of mere money-making bankers. His failure, therefore, seemed to involve more than purely business disaster, and to forebode a general upheaval of social foundations. In Wall Street the moral and religious aspects of the matter played no part, but the effect on the financial situation was appalling. Other large firms quickly

[1] *Century Mag.*, November, 1906, p. 129.

followed Cooke, and countless lesser concerns suspended; prices on the stock-market tumbled, money became unprocurable on any terms, and all the features of a panic appeared. Heroic efforts were made to check the demoralization: the banks pooled their resources, and employed for the first time the since familiar device of clearing-house certificates; the stock-exchange was closed continuously from September 20 to September 30; and urgent demands were made on the treasury for relief to the money-market. President Grant and the new secretary of the treasury, Richardson, went to New York at the height of the crisis and discussed the situation with the leading financiers; but beyond the purchase of bonds by which thirteen million dollars were released from the treasury, the government conservatively kept its hands off, and let the return of confidence and credit proceed without artificial stimulus.[1]

The demoralizing effects of the panic spread rapidly from Wall Street to all parts of the country. Railroad building almost ceased, and all the forms of enterprise subsidiary to it became slack and listless. Multitudes of projects which the high prices of good times had called into being — industrial and commercial, conservative and highly speculative alike—stopped short for lack of capital. Sanguine souls regarded the crisis as merely an affair of Wall

[1] *Am. Annual Cyclop.*, 1873, p. 283 et seq.; Richardson, *Messages and Papers*, VII., 243.

Street speculation, and looked for a speedy return of the conditions that preceded September. But the weeks and months rolled on into years, and no sign of revival of business appeared. Bankruptcies increased in number to a maximum of 10,478, which was reached only in 1878; the annual mileage of new railroads fell from 7439 in 1872 to 1606 in 1875;[1] the production of pig-iron declined from 2,560,000 tons in 1873 to 1,868,000 in 1876; our foreign commerce totalled $28 *per capita* in 1873, and but $21.93 in 1876;[2] and the immigration which added 459,803 aliens to our population in the year of the panic added but half that number in 1875.[3]

Such figures show clearly the magnitude of the catastrophe of which the failure of Jay Cooke was the prelude. The long years of commercial and industrial depression had a powerful influence on social and political conditions. The panic of 1873 thus occupies a significant place in the process of reconstruction after the war; its effect on the political phase of that process was promptly manifested in the congressional elections of 1874.

[1] Tenth Census of the U. S. (1880), *Transportation*, 290.
[2] Burton, *Financial Crises*, App. B.
[3] Sec. of the Treasury, *Finance Report*, 1875, p. 671.

CHAPTER XV

THE "TIDAL WAVE" OF 1874

THE grave conditions in financial and industrial affairs after the panic of September, 1873, naturally gave full occupation to popular thought during the succeeding winter, and the unhappy political and social situation in the South was relegated to the background. When the forty-third Congress met in December, it was greeted with an annual message from the president in which southern affairs received no mention save a half-dozen perfunctory lines at the end. Executive and legislature alike devoted themselves to problems of finance and currency, which had suddenly become urgent. From all parts of the country appeals were heard for some governmental action to relieve the distress of business interests. The political leaders at Washington were badly divided in their views as to what ought to be done, and the division was less on party than on sectional lines—the agricultural West against the industrial East.

Out of a wide range of conflicting projects, issue was most definitely joined on the proposition to increase the amount of greenbacks in circulation.

Secretary Richardson had felt obliged to follow Boutwell's precedent in reissuing those that McCulloch had retired.[1] By January, 1874, the amount reissued was twenty-six million dollars, making the total in circulation three hundred and eighty-two million dollars. This reissue was vehemently assailed as illegal, but a bill which substantially validated it and provided further that the maximum of greenbacks should be four hundred million dollars passed both houses of Congress in April, 1874. This "inflation bill," as it was called by its adversaries, the president, after much hesitation, vetoed,[2] and the Senate failed to pass it over the veto. In June the contending factions came together sufficiently to pass a bill which the president approved, fixing the maximum at the amount actually in circulation—namely, three hundred and eighty-two million dollars.[3] This compromise left a good deal of bad feeling among the extremists on both sides. The hard-money men were angered at the permanent increase of the amount of greenbacks; the soft-money men at provisions of the act which insured the permanence and development of the national banks with their circulating notes. This latter feature decisively alienated from the party in power large masses of voters in the West, who regarded the national bank

[1] See above, p. 224.

[2] Hoar, *Autobiography*, I., 206; Boutwell, *Reminiscences*, II., 233.

[3] *U. S. Statutes at Large*, XVIII., 124.

system as merely a device for increasing the wealth and power of the eastern magnates of finance.

While divisions on questions of currency and finance were thus sapping the strength of the Republican party, maladministration was contributing much to the same end. There were many revelations during 1874 of the same sort of moral deterioration which the Crédit Mobilier investigation and the "salary grab" had brought to light in the preceding year. Practically every executive department was brought by the enemies of the administration under imputation of systematic evil-doing. In many cases specific charges failed on investigation to be sustained, but a well-founded impression was left that extravagance was encouraged by the higher officials, that inefficiency was very common among the lower, and that the whole service was permeated by the spirit of private gain at the expense of the public. The navy and several bureaus of the department of the interior afforded disquieting evidence of evil agencies at work, and especially of the malign influence of the spoils system; in the treasury maladministration was revealed with a clearness that had far-reaching effects on public sentiment.

Fraud and corruption in the collection of the national revenue had been frequently charged ever since the war. The rates of taxation were so high that the profits of evasion offered a temptation hard to resist, and drastic methods had been authorized

by Congress to insure the enforcement of the laws. Treasury agents and informers were stimulated to the ferreting out of fraud by the guarantee of a large percentage of all sums which they should discover to have been illegally withheld from the government. This moiety system, as it was called, was found to cause rather more evil than it cured, and it was finally abolished in 1874. The blackmailing operations of one Jayne, a specially active revenue agent, had much to do with the abolition of the system, and its disappearance was closely associated also with the notorious Sanborn contracts, of which the facts were as follows. By a special agreement with the treasury, one Sanborn undertook to recover certain wrongfully withheld taxes for fifty per cent. of what he should get. Through the carelessness or criminal collusion of treasury officials he received authorization to collect, subject to his claim for one-half, several millions of dollars which would normally all come into the treasury through the regular collectors. The scandalous character of this affair was fully established by the report of a House committee in March, 1874.[1] The committee refrained from ascribing corruption to any officer of the treasury; but Secretary Richardson was so seriously compromised by the revelations that his resignation became inevitable. He was translated by Grant, though not without strong opposition in

[1] *House Reports*, 43 Cong., 1 Sess., No. 559; cf. *Nation*, March 12, 1874; Hoar, *Autobiography*, I., chap. xxiii.

the Senate, to the court of claims, and he was succeeded in the treasury, June 1, by Benjamin H. Bristow, of Kentucky.

The Sanborn affair brought into much prominence one aspect of the factional conditions in the Republican party. Benjamin F. Butler was at this time at the height of his power as a party leader: he was chairman of the House committee on the judiciary, and his influence at the White House was enormous, as was demonstrated in the winter of 1873–1874 by the ignominious defeat of his adversaries in a fierce contest for the control of Federal patronage in Massachusetts.[1] Sanborn was a supporter of Butler in the politics of this state, and the law under which the notorious contracts were made was due largely to the insistence of Butler. These facts afforded an opportunity to discredit the latter, whose methods and manners roused much personal enmity among ambitious colleagues. Virulent assaults on the Massachusetts member were made in the House by Republicans, especially by Charles Foster, a rising representative from Ohio; and Butler's defence, while characterized by all the adroitness and audacity which had carried him through many an earlier affair of the kind, failed to remove entirely the imputations which were derived from the facts of his record.[2]

The attack on Butler, and the sympathy it re-

[1] Hoar, *Autobiography*, I., 210; Rhodes, *United States*, VII., 24.
[2] *Cong. Record*, 43 Cong., 1 Sess, 4122, 5220.

ceived in the party, were indications of a strong anti-administration feeling in the Republican ranks. This feeling was partly due to personal ambitions in connection with the succession to the presidency, and partly to a genuine conviction that the influences which controlled Grant were inimical to the best interests of the country. It was notorious that the Republican leaders who were most in favor at the White House—Butler, Morton, and Conkling—were the most persistent opponents of the movement for reform in the civil service. The efforts of the civil service advisory board to do away with the grosser evils of congressional patronage in appointments were continually thwarted through the activity and influence of these leaders. Grant consistently professed approval of the reform and a strong desire for its success; yet in the practical issues that arose from time to time between the board and the hostile congressmen, he generally gave the latter their way. As early as March, 1873, George William Curtis, after two years' service as head of the board, gave up his task and resigned;[1] and in 1875 Grant formally abandoned the whole competitive system of appointments, on the ground, which was perfectly valid, that he was not supported by Congress.[2] This action of the president was fore-

[1] Rhodes, *United States*, VII., 22; Fish, *Civil Service and the Patronage*, 213.

[2] Richardson, *Messages and Papers*, VII., 301; Lalor, *Cyclop of Pol. Sci.*, I., 484.

shadowed by the trend of affairs during the twelve months preceding, and anti-administration sentiment was correspondingly stimulated among the Republicans who looked for reform. The party thus approached the elections of 1874 in a condition of little-veiled discord, with a record of maladministration and scandal that must prove a heavy handicap.

At the very end of the session of Congress, in June, 1874, this handicap was increased by a scandal in the District of Columbia. Under a territorial form of government given to the District in 1871, the city of Washington was transformed from an ugly country village into a beautiful modern city. This process was pushed with remorseless energy by A. R. Shepherd, the leading member of the board of public works, and later governor of the District, but was accompanied by an ever-growing volume of complaints and protests from the property owners. Shepherd was, however, a warm personal friend of Grant, and he could always command the unwavering support of the negro voters, who determined the majority at every election. Not till 1874, therefore, did his adversaries succeed in securing an investigation, but the result was decisive: a joint committee of the Senate and House, after a thorough examination, unanimously reported in June that the allegations of extravagance, corruption, and intolerable oppression were substantially true, and that the territorial form of government for the Dis-

trict was a failure and ought to be abolished.[1] A bill to this effect was promptly passed, with provision for a transitional board of commissioners to carry on the government till a new permanent form could be devised. Grant's dogged devotion to his friends when under fire was thereupon once more illustrated. Though the report of the committee had embodied an unsparing condemnation of Shepherd, his name was sent in by the president as a member of the transitional commission. The Senate, with pardonable emphasis, rejected Shepherd's nomination by a vote of 6 to 36, and some of the president's strongest supporters gave public expression to their disapproval of his action.[2]

At the same time another aspect of the reform in the District did not fail to impress reflecting minds. The black population of the capital was very large after the war, and the popular form of government which was so unceremoniously set aside in 1874 had been originally established as in some measure a standing national exhibition of the blessings of negro suffrage. Washington had thereupon become the theatre of the same sort of politics and administration that prevailed in the southern states. The promptness and thoroughness with which the Republican Congress suppressed the exhibition at Washington furnished a suggestive contrast to the

[1] *Senate Reports*, 43 Cong., 1 Sess., No. 453. Summary in *Am Annual Cyclop.*, 1874, p. 268.

[2] *Nation*, June 25, 1874; Paine, *Thomas Nast*, 294.

policy by which the radical régime was prolonged in the South.

The development of the autumn political campaign early revealed that the Republican ascendency was in peril. Throughout the West the farmers' movement was dissolving the old parties, and was taking political shape in "anti-monopoly" and "independent" and "reform" organizations, whose activity was in general directed against the Republicans. Here the railroad and currency questions were most influential in the situation, while in the East the party's record of scandal and maladministration was doing most to alienate intelligent voters. The popular impression of moral decay was doubtless much deepened also by the unfolding during the summer of a sensational social scandal in Brooklyn, New York. Theodore Tilton, a prominent editor, brought charges of gross immorality against Henry Ward Beecher, the most famous pulpit orator in the country; and the controversies that followed put in a repulsive light the private lives of men who had been ostentatious exponents of the exalted moral ideas for which the Republican party claimed to stand.

To stem the adverse current of public feeling, the Republican leaders plied with desperate energy the old and hitherto always effective southern issue. The situation in the South, at first hardly favorable, later shaped itself well to their hand. In Louisiana the president grimly persisted in his support of the

Kellogg government, despite strong Republican opposition to this policy. Of the Senate committee which investigated the situation but a single member, Morton, approved the president's position;[1] and the judiciary committee of the House reported in favor of impeaching Judge Durell for the irregular acts which had made the Kellogg régime possible.[2] The effect of public and party opinion as to Louisiana was manifest apparently in the policy of the administration elsewhere. In Texas a state election in December, 1873, resulted in an overwhelming defeat of the radicals. A decision of the state supreme court afforded promising ground for nullifying the election, and the radical governor appealed to Grant for support in such action; but though there was probably as good a case for interference as in Louisiana, the president declined to sustain the defeated party, and permitted the state to lapse into conservative control.[3]

Arkansas furnished even clearer evidence of a change of policy by Grant. The election of 1872 in that state resulted in the installation of Baxter, a radical, as governor. Fifteen months later, in April, 1874, Brooks, the unsuccessful candidate, secured a "snap judgment" of a state court reversing the declared result of the election, and there-

[1] Foulke, *Morton*, II., 283.

[2] *House Reports*, 43 Cong., 1 Sess., No. 732. Durell shortly afterwards resigned.

[3] *Am. Annual Cyclop.*, 1873, art. Texas.

upon ejected Baxter by force from the state-house. Partisans on both sides took arms, and for a month Little Rock was occupied by the two forces, skirmishing, but restrained from decisive battle by United States troops. Because Baxter had not given satisfaction to his former supporters, including United States Senators Clayton and Dorsey, they were now in favor of Brooks, and the conservatives were against him. The president, however, found difficulty in following these lightning-change political artists, and Attorney-General Williams duly provided the principles of law under which Baxter was sustained as the governor. Brooks accordingly gave up the contest, and the Democrats skilfully turned the situation to their own account and secured control of the state.[1]

The evidence afforded by these incidents in Texas and Arkansas that the administration was weakening in its policy of interference probably had something to do with the renewal of strife in Louisiana. The conservatives of the state, large numbers of whom were organized in semi-secret and military societies known as White Leagues, had been quiescent since Grant's formal recognition of Kellogg in the spring of 1873.[2] The radical government maintained a formal existence, but with no moral and little material support from the white popula-

[1] Harrell, *The Brooks-Baxter War*, 163 et seq.; *Am. Annual Cyclop.*, 1874, art. Arkansas; *House Reports*, 43 Cong., 2 Sess., No. 2

[2] See above, p. 218.

tion. In September, 1874, Kellogg undertook to seize a lot of arms which the White League of New Orleans had purchased. The result was a pitched battle between the league and the police, mostly negroes, who were organized and equipped as soldiers. The police were totally defeated and dispersed, and the radical governor took refuge in the custom-house under protection of the Federal troops. But the victors promptly learned that Grant's policy as to Louisiana had not changed: they were commanded by presidential proclamation to disperse, and the United States forces were ordered to give effect to this command.[1] The whites thereupon duly surrendered to General Emory, the Federal superior officer, and the Kellogg organization, though shorn of the last remnants of prestige and authority, resumed in the state-house the forms of governmental activity in a community that was wholly anarchic.

These various affairs in the South were accompanied, naturally enough, by exhibitions of race animosity and violence that furnished to the despairing Republican leaders in the North the material most desired for appeal to sectional prejudice. All other issues in the campaign were subordinated to that involved in the "outrages" which the "rebels" throughout the South were said to be systematically inflicting upon negroes and white Republicans. Early in September Grant ordered the attorney-general again to set in full operation

[1] *Am. Annual Cyclop.*, 1874, art. Louisiana.

the machinery of the enforcement acts, which had been allowed to slacken.[1] Republican newspapers were urged by the campaign leaders to give great prominence "until after the election" to the "horrible scenes of violence and bloodshed throughout the South."[2] A heart-rending picture of proscription and terror among Republicans in Alabama was drawn in a widely circulated letter of Congressman Hays of that state; but the writer incautiously gave particulars of person, place, and date, and as a consequence his statements were promptly proved to be largely false.[3] At Chattanooga, in October, the work of systematic compilation of southern outrages was undertaken by a convention which the *Nation*, with possibly more picturesqueness than accuracy, described as consisting of "all the more prominent thieves, carpetbaggers and scalawags among southern politicians."[4]

Whatever facts there may have been to justify this campaign policy of the Republicans, it proved wholly ineffective. The elections went so overwhelmingly against the party as fully to warrant the term "tidal wave" which was used to describe the result. Democratic officers were chosen in a majority of the states, including Pennsylvania, Ohio, and Indiana; and, most amazing of all, Massa-

[1] *Am. Annual Cyclop.*, 1874, p. 478.
[2] *Nation*, October 15, 1874.
[3] Fleming, *Reconstruction in Ala.*, 787; Rhodes, *United States*, VII., 79.
[4] Cf. *Am. Annual Cyclop.*, 1874, p. 299.

chusetts elected a Democrat, Gaston, as governor. Where the Republican control was retained, it was rendered weak and insecure by a large element of independents and reformers of various types which the elections brought into the legislatures; but the full significance of the voting was best revealed in the returns for congressmen, which assured to the Democrats in the next House of Representatives a majority of about seventy members. With the changes in the Senate that would follow the transformation of the state legislatures, it became apparent that the two-thirds majority of the Republicans in that body was doomed. Thus for the first time since the withdrawal of the members from the seceded states in 1861 the Democrats were to be raised from the insignificance of an impotent faction to a position of equality with their adversaries in legislative power.

Such a result stamped the elections of 1874 as epoch-making in the history of reconstruction after the war. They clearly ended the era which the elections of 1866 had as clearly begun. With the Democrats controlling the House of Representatives and near to control of the Senate, the radical policy towards the South was doomed to early disappearance.

XVI

THE SUPREME COURT AND RECONSTRUCTION (1865–1875)

THE full realization of what must follow the loss of control in Congress stimulated the Republicans to make all possible use of the short session of 1874–1875, during which their majorities would still be available. There was the usual recrimination within the party as to which of the factions was most responsible for the disaster in the elections. The reforming element blamed the administration, with its record of extravagance and scandal; the radicals blamed the reformers, with their carping at the president and his friends and with their abandonment of the interests of the party in the South. It was undeniable, however, that in two matters which had everywhere great influence with the voters—the Crédit Mobilier and the salary grab —the discredit was distributed rather evenly through the party.

The question of the currency proved to be that on which the Republican factions in Congress could be most readily brought into harmony for the making up of a party record. President Grant, in his

annual message of December 7, 1874, pleaded earnestly for legislation to insure an early return to a specie basis.[1] Accordingly a senatorial caucus committee, headed by John Sherman, laboriously formulated a bill for the resumption of specie payments. It was no simple matter to devise a measure that should command the support of both those who believed that more greenbacks were indispensable to the nation's welfare and those who believed that there were already far too many in circulation and that the existing economic depression was due chiefly to this fact. But Sherman, who had opposed both inflation and contraction, and whose instinct was that of the opportunist and practical man of affairs, succeeded in the task. The bill provided for a gradual contraction of the greenbacks to three hundred million dollars, with an expansion of the bank-note circulation that should more than compensate; but the chief feature was the fixing of a definite date, January 1, 1879, at which the redemption of greenbacks in coin should begin. This pleased the hard-money men, because it would enlist in their cause the argument of plighted faith; while the opposing faction were willing to fix a remote date, because of their conviction that before it was reached circumstances would conclusively demonstrate the impossibility of carrying the law into effect and would thus force its repeal. The measure was admittedly ambiguous and defective

[1] Richardson, *Messages and Papers*, VII., 285.

in important particulars, but it was the best obtainable, and as such it was pressed through with little discussion, and became law on January 14, 1875.[1]

At the time of this success, however, the currency question was quite overshadowed in public interest by affairs in the South. Extraordinary developments in Louisiana and a persistent purpose on the part of the radicals in Congress to reverse the results of the elections in Alabama and Arkansas[2] required that the Republicans should signalize their last opportunity by positive and far-reaching legislation on southern affairs. But factional antagonisms were too pronounced on this subject to be reconciled, as had been done in respect to the currency. A determined effort was made to enact a bill combining and expanding the harshest provisions of the earlier enforcement legislation.[3] The basis of the proposal was the report of a committee which investigated the election of 1874 in Alabama; and the whole power of the administration was behind this bill. But though there was abundant evidence that the whites had demonstrated their superiority in Alabama by methods that would have no place in the North, the moderate Republicans were strongly opposed to the policy of fur-

[1] *U. S. Statutes at Large*, XVIII., 296; John Sherman, *Recollections*, I., 509; Foulke, *Morton*, II., 336.

[2] See below, p. 267.

[3] For the text of the bill, see McPherson, *Handbook of Politics*, 1876, p. 13.

ther interference by the executive. The Democrats in the House exhausted every device of filibustering to delay the progress of the bill, and they received aid in their struggle from Speaker Blaine, who had no sympathy with the radicals' purpose.[1] In consequence, the bill passed the House by a narrow majority (135 to 114) only on February 27, too late for any action by the Senate.

A single radical measure was pressed through to passage against the opposition of both Democrats and moderate Republicans. This was the much-debated civil rights bill, which in various forms had been before Congress for five years.[2] Sumner, on his death-bed, in March, 1874, exacted from E. R. Hoar a pledge to see that this favorite project of the senator should be taken care of;[3] but by the irony of fate Benjamin F. Butler, whom Hoar cordially hated, actually had charge of the bill at its final passage. The measure, having been shorn of many of its extreme features, and reduced to a guarantee of equal rights to the blacks in hotels, public conveyances, and places of amusement, and a prohibition of their exclusion from juries, became law March 1, 1875.[4]

With this the record of partisan legislation on reconstruction was closed. The acts of Congress bulked large and portentous in the statute-book,

[1] Mayes, *Lamar*, 215; cf. Stanwood, *Blaine*, 117.
[2] See above, p. 214. [3] Pierce, *Sumner*, IV., 598.
[4] McPherson, *Handbook of Politics*, 1876, p. 3.

but already the process of interpretation by the Supreme Court had drawn off from the threatening mass a large measure of its power, and the process was destined to go on.

During the struggle between Congress and President Johnson, the Supreme Court took great pains to avoid becoming involved, and showed itself in the highest degree sensitive to the manifestations of public opinion and the currents of political feeling in the North. When, just after the end of hostilities, the dislike and fear of military courts were widespread and pronounced, the court decided the Milligan case.[1] Within three months after the opinion was rendered, Congress, in the reconstruction acts, established throughout the South the precise military tribunals which the court had declared unconstitutional. The defiance was so patent that able lawyers hastened to bring before the court the new legislation, in sanguine expectation that it would be nullified. But technical obstacles promptly arose in bewildering profusion and insuperable magnitude. While in the Milligan case the court, with glowing enthusiasm for the supremacy of the civil over the military order, swept aside technicalities in the quest for substantial liberty and justice, it welcomed technicalities with obvious joy when they enabled it to evade jurisdiction over congressional reconstruction. In the cases of Mississippi *vs.* Johnson, and Georgia *vs.* Stanton,[2] in

[1] See above, p. 89.

[2] 4 Wallace, 475; 6 Wallace, 50.

April and May, 1867, the unwelcome responsibility was put aside with some degree of dignity; in that of *ex parte* McCardle there seemed absolutely no alternative for the condemnation of military government in the South save that of ignominiously abandoning the Milligan doctrine. From this trying predicament the radicals in Congress extricated the court by a hasty repeal of the legislation which gave jurisdiction over the case; and the chief-justice, whose dislike of military judicature was well known, relinquished with some regret so perfect an opportunity to damn it, but saved as he could the dignity of the court by the resounding platitude: "Judicial duty is not less fully performed by declining ungranted jurisdiction than by exercising firmly that which the constitution and laws confer." [1]

In 1869, after the tension between the executive and Congress had subsided, and after the reconstruction was in large measure complete, the court indicated its general attitude towards the procedure through which the rebel states had been rehabilitated by the radical Congress. The case, Texas *vs.* White,[2] did not require a direct opinion as to the constitutionality of the reconstruction acts; but it did require a determination of the question whether Texas, pending her readmission under the acts, was a state of the Union in the sense of that clause of the Constitution which gives to the court

[1] Hart, *Chase*, 350, 355; Dunning, *Essays*, 137.
[2] 7 Wallace, 700.

original jurisdiction in suits to which a state is a party. The answer of the court was affirmative, and the opinion, written by Chief-Justice Chase, embodied a substantial justification of the course through which Congress had reorganized the South. This discussion was probably better as politics than as law; its chief significance was in the evidence it gave that the court would recognize and not seek to interfere with the *faits accomplis* of congressional policy.

The dignity and reputation of the nation's highest tribunal would have escaped a disagreeable shock if acquiescence in accomplished facts had guided its action on the important problem of war finance which was just at this time before it. On February 7, 1870, a decision was announced declaring unconstitutional the legal-tender act of 1862, so far as concerned debts contracted prior to the passage of the act.[1] This judgment was vigorously dissented from by three of the seven judges then on the bench, and was denounced as legal and political heresy by substantially all the leaders of radical Republicanism. Not less emphatic and influential in criticism of the court were the representatives of numerous corporations whose long-term bonds, now approaching maturity, were made by the decision payable in gold rather than greenbacks.[2] On the very day on which the opinion was read by Chief-

[1] Hepburn *vs.* Griswold, 8 Wallace, 603.
[2] Gold at this date stood at about 120.

Justice Chase, two vacancies on the bench were filled by the nomination of Judges Strong and Bradley, whose views were known to be with the minority of the court on the legal-tender question. That these men were named with special reference to securing a reversal of the decision, as was charged at the time, cannot be maintained.[1] That they would not have been named if their opinions had been favorable to sustaining it may be readily admitted. It is hardly to be wondered at that suspicion of a deliberate purpose to overturn the original decision was aroused; for steps were at once taken to reopen the question before the court, and on May 1, 1871, a decision was announced [2] reversing that of the previous year and upholding the act of Congress as to all contracts. This result was reached by a vote in which the two new judges joined with the three of the former minority and constituted a controlling majority.

The episode was accompanied by open exhibitions of bad feeling among the judges.[3] To the chief-justice the reversal of the decision was particularly disagreeable. Yet, with all the loss of prestige to the tribunal, and of personal comfort to Chase, it was just as well that the reversal was made at once; for it is not to be presumed that Congress would have felt more scruple about overriding a decision

[1] Hart, *Chase*, 399; Rhodes, *United States*, VI., 270, and his authorities. [2] Legal-Tender cases, 12 Wallace, 528.
[3] Hart, *Chase*, 403.

that protected merely the property of citizens against the war power than it had shown in overriding one that protected their life and liberty. We have seen that the court acquiesced almost gratefully in the reversal of the Milligan doctrine by the reconstruction act. There was not much dignity in this proceeding; there was perhaps more in reversing itself on the legal-tender question instead of waiting to be reversed by Congress.

By the time the currency question was settled the court had before it the first cases which demanded an interpretation of the new amendments to the Constitution. It was confidently maintained by the nationalizing school of lawyers and statesmen that these amendments had effected a complete revolution in our constitutional jurisprudence by transferring from the states to the United States the duty of protecting in last instance all the fundamental rights of citizens—their life, their liberty, and their property. It was on this theory that the most far-reaching provisions of the enforcement acts had been framed. In its first decision on the matter, however, the Supreme Court shattered this theory and foreshadowed the judicial nullification of the laws under color of which the administration was harrying the white men of the South.

In the Slaughter-House cases,[1] decided April 14, 1873, the court declared, by five judges to four, that the last three amendments must be construed in

[1] 16 Wallace, 72.

general, not as setting up a new and comprehensive system of national rights and jurisdiction, but as having for their primary, if not exclusive, purpose to secure and protect the freedom of the negro. It was to this end that the Thirteenth Amendment prohibited slavery and involuntary servitude, the Fourteenth defined a citizen of the United States and forbade a state to abridge his privileges and immunities, and the Fifteenth guaranteed the right of suffrage. The essential effect of the articles, according to the court, was to narrow in specific matters the power of the states, not to widen the power of the general government. No authority was conferred by the definition of United States citizenship: the "privileges and immunities" pertaining to that status were not, the court held, the broad, fundamental civil rights incidental to free government in general, but merely certain particular rights secured by the specific provisions of our Federal Constitution. It was these latter rights alone that the United States was authorized to protect; the fundamental civil rights remained still under the exclusive guardianship of the individual states.

On the basis of these doctrines the court declined to regard a law of Louisiana that created a monopoly of the business of slaughtering cattle in New Orleans as infringing upon any right, privilege, or immunity of citizens of the United States. At the same time the court refrained from enumerating the rights

which it would protect, and thus encouraged a long series of cases through which inquisitive lawyers sought to establish with precision the metes and bounds of the privilege and immunity guaranteed against state abridgment by the Fourteenth Amendment. A lady of Illinois, oppressed by exclusion from the practise of law in its courts, applied at Washington for relief; but the austere tribunal declared by the usual majority that the right to practise law in a state court, like the right to slaughter cattle in one's back yard, was no privilege of United States citizenship.[1] From Iowa came the complaint of a citizen of foreign extraction that his right to sell whiskey was abridged by that virtuous commonwealth; he, too, was sent away without redress.[2] A fellow-citizen of the opposite sex besought the court to give her the right to vote, of which the state had deprived her; but the court assured her that the right to vote pertained to citizenship of a state, and that the only related right which she could claim as a citizen of the United States was that of exemption from denial of the suffrage on the ground of race, color, or previous condition of servitude.[3]

It was in a far different spirit from that manifested in these cases that the attorney-general and the district attorneys throughout the South were applying the enforcement acts. But no opportunity for

[1] Bradwell *vs.* The State, 16 Wallace, 130.
[2] Bartemeyer *vs.* Iowa, 18 Wallace, 129.
[3] Minor *vs.* Happersett, 21 Wallace, 162.

the Supreme Court to express its views effectively as to this legislation was given until 1875. Meanwhile, Chief-Justice Chase passed away, and the president, after Senator Conkling had declined to be Chase's successor, and the Senate, supported by public opinion, had refused to approve of either Attorney-General Williams or Caleb Cushing for the dignity, filled the place with the solid if not brilliant Morrison R. Waite. At the October term of 1875 the new chief-justice, with concise and colorless phrases, removed the chief supports of the enforcement acts and left them ready for total collapse. In United States *vs.* Reese,[1] two sections of the act of 1870 were declared unconstitutional because they did not strictly limit the Federal jurisdiction for protection of the right to vote to cases where the right was denied by a state, and on the single ground of race or color. This judgment ran squarely counter to the theory and practice of the executive, which had proceeded on the idea that the United States must exercise a general guardianship over the right to vote, as one of the essential prerogatives of its citizens.

Equally damaging was the decision in United States *vs.* Cruikshank.[2] This was the case of participants in the Colfax massacre in Louisiana, where, as in like affairs before and after, the unrestrained fury of the victorious whites in a fight with armed blacks had turned the battle-field into a sham-

[1] 92 U. S., 214. [2] *Ibid.*, 542.

bles.[1] No circumstance was lacking that could appeal to the sympathy of the judges for the misguided freedmen. But the court coldly declared that it was not the duty or the right of the United States government to protect its citizens against their fellow-citizens; that was the function of the state governments. All that the United States was authorized by the Fourteenth Amendment to do was to see that the protection given by the state governments and laws should be offered to all citizens alike. Not the extent but the uniformity of rights and their protection was within the jurisdiction of the Federal courts. Cruikshank had been indicted by the lower court for conspiracy, among other things, to deprive the negroes of the right to assemble for lawful purposes, and of the right to bear arms. These rights were not, the court declared, incidental to citizenship of the United States, but to citizenship of a state; the indictment, therefore, had no place in a United States court.

These cases left practically no hope of a judicial application of the enforcement acts that would in any measure fulfil the expectation of their more sanguine promoters. Shortly afterwards the so-called "Granger Cases," [2] involving the maximum-rate laws of the western states, came before the Supreme Court, and enabled it again to enunciate its narrow

[1] See above, p. 219; cf. Grant's special message of January 13, 1875, in Richardson, *Messages and Papers*, VII., 307.

[2] 94 U. S., 133.

interpretation of the Fourteenth Amendment and to leave the states very wide-reaching power over the rights of property. The reactionary attitude of the court in and after the Slaughter-House cases excited much surprise and in radical circles some indignation. It had been not unreasonably expected that the judges who had found for the national power such scope as had been set forth in the legal-tender decision would have no trouble in giving a wide interpretation to the new amendments. In the one decision as in the other, however, considerations of public policy rather than of strict law had been, almost beyond the limits of judicial propriety, set up as the foundation of the court's opinion. The chronology of the cases shows what may well have operated to determine a majority: the Slaughter-House cases were decided in April, 1873, just after the extraordinary proceedings of the attorney-general and Judge Durell at New Orleans,[1] and the Cruikshank and Reese cases followed soon after the even more extreme assertions of power by the administration in Louisiana state affairs early in 1875.[2] That the profound sensation caused by these occurrences was without effect on the very human personages who occupied the supreme bench is hard to believe. The judicial interpretations of the amendment, like the elections of 1874, embody, in fact, a reaction of moderate men against the southern policy of the Grant administration.

[1] See above, p. 217.

[2] See below, p. 273.

CHAPTER XVII

THE MOVEMENT TOWARDS WHITE SUPREMACY IN THE SOUTH

(1874–1875)

THE elections of 1874 were full of promise for the afflicted white people of the South. It was manifest from the result that other issues than the wrongs of the negro and the sinfulness of the rebels had assumed, temporarily at least, the controlling position in the minds of the northern voters. The solid practical fact of a Democratic House of Representatives in the next Congress was naturally the salient feature of the new situation; but scarcely less satisfactory was the evidence of a growing volume of sympathy on the part of the most thoughtful classes in the North for the corresponding classes of the South. Liberal Republicanism, though a dismal failure in practical politics, was an enduring influence for the intellectual and spiritual reunion of the sections. To this end the South made a significant contribution, through the representative, L. Q. C. Lamar, whom Mississippi, though still radical in her state government, sent from one district to the forty-third Congress. In April,

1874, he delivered in the House an eloquent eulogy on Charles Sumner, who had died March 11. That a southerner, presumed to be of the fire-eating type, should find anything to approve in the Massachusetts senator, save possibly his death, was a fact to arrest instant attention through the length and breadth of the land. The note of charity and patriotism which Lamar skilfully infused into his address struck a responsive chord on both sides of Mason and Dixon's line. In the North it strengthened greatly the hands of the reforming element among the Republicans; in the South it perceptibly checked a growing movement among the whites to overthrow radicalism by a ruthless suppression of the negro vote.

The campaign of 1874 went against the Republicans in the southern states as well as in the northern. Of the states hitherto radical, Alabama and Arkansas were carried by the conservatives, Louisiana and Florida were very close, and South Carolina elected a radical governor pledged to reform. In the conduct of the campaign by the conservatives a double policy was clearly discernible, especially in Alabama and Louisiana. The end was single—the rescue of the states from the scandalous misrule of the carpet-baggers and negroes. As to the means, the more sagacious leaders, inspired by the policy of Lamar and General J. B. Gordon, senator from Georgia, aimed to win the sympathy of northern Liberalism, and thus paralyze the radi-

cal influence in the administration. This, it was maintained, would cut off the carpet-baggers from their base, and would sooner or later cause their fall.

To the more violent southerners, however, this strategy was wearisome and distasteful. They preferred a direct frontal attack to such manœuvring by the flank. The latter would involve, they said, a continuation of the worn-out and useless appeal to the blacks on rational grounds, which had been proved by experience to be futile; for the most explicit demonstration of radical misrule availed little to win negro votes where the carpet-baggers declared that the conservatives were seeking to restore slavery, or exhibited to the credulous freedmen an order signed by General Grant directing them to vote Republican.[1] To break the solid power of such ignorance and prejudice it was necessary, the extremists held, to use methods that should not fail to impress the negro intelligence. Hence appeared, in many of the regions where the black population was most dense, open and unmistakable injunctions to the negroes that they must vote with the conservatives or not at all. The penalty for non-compliance was in many cases indicated by a pledge, numerously signed, that the offender should have no employment, no credit, no land to cultivate; in many other cases the omission of any statement of a penalty was calculated to have even greater effect

[1] Cf. Fleming, *Documentary Hist. of Reconstruction*, II., 90.

by the mystery, which yet was no deep mystery, of the implication.[1]

It was in connection with this policy of the extremists that the White Leagues of Louisiana attained great celebrity in 1874. Their name came to have something of the import that had attached to "Ku-Klux" four years earlier. They were, however, distinct from the earlier order in maintaining little of mystery as to their doings and purposes. Their very name connoted a drawing of the color line in politics. Such deliberate proclamation of a race issue was strongly deprecated by the moderate conservative leaders; and their predictions as to its effect seemed to be fulfilled when Grant ordered a renewal of operations under the enforcement acts during the electoral campaign.[2] But the results of the elections served rather to confirm the confidence of the extremists in their own methods.

President Grant's annual message, in December, 1874, gave perceptible indications of wavering and uncertainty in his southern policy.[3] The election returns and the undisguised hostility of the reforming Republicans had evidently had some effect. Though he stoutly defended his course in sustaining Kellogg in Louisiana, and in using the troops under the enforcement acts, yet he conceded that

[1] For collections of documents illustrating this method, see *House Reports*, 43 Cong., 2 Sess., No. 261, App. B.

[2] See above, p. 249.

[3] Richardson, *Messages and Papers*, VII., 284.

there was a class of people in the South who were law-abiding and who were suffering much from bad government, and that possibly the outrages upon the negroes were exaggerated in the North. These concessions, though much qualified, were significant. He expressed, moreover, a consciousness that his interference by force in the affairs of states was repugnant to public opinion; but he declared that without such interference the whole scheme of colored enfranchisement would be "worse than a mockery and little better than a crime."

What he would not see, or was not permitted to see, was that the whole system of interference under the enforcement acts had become both a mockery and a crime. These laws provided, in the first place, that the Federal courts should take jurisdiction of a variety of criminal offences. The proper and adequate exercise of this jurisdiction would have required at least a threefold increase in the number of these tribunals.[1] In so large a territory as was covered by the jurisdiction of a United States district court, it was not possible for the district attorney to manage this one species of cases without neglecting all others. The application of the acts thus became farcical, save on the occasions when, under pressure from Washington, it became

[1] Cf. Attorney-General's *Report on Enforcement Acts*, April 19, 1872, especially the reports of the district attorneys for South Carolina and Kentucky, in *House Exec. Docs.*, 42 Cong. 2 Sess., No. 268.

unjust and outrageous. At such a time a drive would be made and a great number of arrests and indictments would terrorize some selected county or region. But the matter ended there. The proportion of convictions to indictments was ridiculously small and sufficiently illustrated the iniquity of the laws. In the year ending June 30, 1874, for example, there were 102 convictions out of 966 cases, or 10.5 per cent., while for all other classes of cases in the same courts (under the customs, internal revenue, postal, and other laws) the percentage of convictions was 49.9.[1]

Nor was there more efficiency in the military feature of the enforcement acts. The small number of troops available rendered impossible any proper policing of the districts where disturbances might be anticipated. The outbreaks of race violence which occurred from time to time were almost invariably at points beyond the ready reach of the soldiery. Detachments were always sent to the scene with promptness, but never reached it till the trouble was over.[2] A slight service was probably performed by the troops in some parts of Louisiana in reassuring the negroes as to their safety when the White Leagues were particularly demonstrative; but the characteristic function—and one that was exceedingly distasteful to many of the officers—

[1] Computed from Attorney-General's *Annual Report*, 1874; cf. Rhodes, *United States*, VI., 318, for a table of cases for a series of years.

[2] Cf. Fleming, *Reconstruction in Ala.*, 687.

was that of contributing to the prestige and ambition of an influential carpet-bag politician at election time by parading his district as the posse of a deputy marshal. Nothing was so effective in dispelling the indifference of the blacks during a campaign.

The scandalous prostitution of the army to merely partisan uses in the South was one of the most powerful influences in discrediting the administration in the North. Louisiana furnished the most offensive instances of this abuse. S. B. Packard, the United States marshal for the district, and hence the official who could command at discretion the movements of the Federal troops in the state, was also chairman of the Republican state executive committee. There was no pretence, as there was certainly no evidence, that in his control of the troops he was careful to discriminate between the advantage of his party and the needs of the Federal service. That Grant did not terminate the scandal of Packard's performances was a capital item in the criticism of the administration. But Louisiana had been a particularly troublesome locality, as we have seen, and Grant's determination to sustain the little band of carpet-baggers whom he had taken under his protection in 1873[1] had assumed the rigidity of an obsession. In January, 1875, it was subjected to a new and serious test.

The state election in the preceding November resulted, according to the returns of the local offi-

[1] See above, p. 218.

cials, in a conservative majority of twenty-nine in the lower house of the legislature. In passing through the crucible of the radical state returning board, the result was transmuted into a Republican majority of three or four with five seats undetermined. There was naturally great tension at New Orleans when the legislature assembled, and the conservative members of the lower house planned and carried out, January 4, an irregular and disorderly procedure through which they secured control, elected a speaker, and filled the doubtful seats with their own partisans. Thereupon Governor Kellogg formally summoned the Federal troops to right matters, and General de Trobriand, who was at the state-house with a detachment in anticipation of trouble, took charge of the hall of the house, expelled the five conservatives who had been seated, and enabled the radicals to take control.[1] At this all the conservative members withdrew and organized separately. Kellogg recognized the radical body as the legal house, and all parties forwarded memorials to the president and Congress. General Sheridan, who had been ordered to New Orleans in December, sent to the war department a stream of despatches denouncing the conservatives in unmeasured terms, and urging that the leaders of the White League be declared "banditti" by Congress or the president, or both, so that

[1] *House Reports*, 43 Cong., 2 Sess., No. 101, pp. 287 et. seq.; *Am. Annual Cyclop.*, 1874, art. Louisiana.

the general could take care of them in his own way.

The news that the legislature of a state had been "purged" by Federal troops caused an ominous sensation throughout the North, which was not mitigated by the publication of Sheridan's amiable and statesman-like despatches. Though partisan feeling dictated many of the northern protests, the prevailing tone of public opinion was strongly hostile to the administration.[1] The high-handed interference in Louisiana seemed a deliberate defiance of the popular sentiment revealed by the late elections. On January 13, 1875, Grant sent a special message to Congress,[2] disclosing that de Trobriand had acted without orders from Washington, and admitting that the legality of his action was debatable, but claiming some justification for both it and Sheridan's artless proposals by reference to past incidents of strife and turbulence in the state. The president's strongest point was that Congress, in failing to take any action for two years as to Louisiana, had left him the heavy burden of maintaining order there under almost impossible conditions.

The failure of Congress to act had been due to the conflict of opinion between the moderates and the radicals of the Republican majority, and this conflict promptly made itself conspicuous in the

[1] Cf. Rhodes, *United States*, VII., 121.
[2] Richardson, *Messages and Papers*, VII., 305.

existing crisis. A select committee of the House of Representatives had been appointed in December to consider affairs in the South, and a sub-committee on Louisiana, consisting of Foster, Phelps, and Potter, were in New Orleans during the dramatic events of early January. Two days after Grant's special message, this sub-committee made a unanimous report[1] justifying the whole conservative contention as to the election of 1874 — that it had been free and peaceable, and that the action of the returning board had been arbitrary, unjust, and illegal. By implication, though not expressly, the proceedings of the conservatives in the legislature on January 4 were also justified.

Such a report, signed by two such conspicuous Republicans as Charles Foster, of Ohio, and William Walter Phelps, of New Jersey, caused an immense scandal in party circles; and the select committee immediately despatched the rest of its members to New Orleans to investigate further and repair the damage. The report of this new sub-committee, written by George F. Hoar, of Massachusetts, corrected the party aberration of its predecessor by dwelling at great length on the maltreatment of the blacks by the violent whites, and the resulting intimidation of Republican voters. Having thus satisfied the requirements of the radicals for their justification, the report came to agreement with that

[1] *House Reports*, 43 Cong., 2 Sess., No. 101; also *Am. Annual Cyclop.*, 1874, p. 736.

of the earlier committee as to the illegality of the returning board's procedure.

The net outcome of all this investigation and report was that the lower house of the Louisiana legislature was wrongly constituted, but that no power outside of the house itself could correct the wrong. From this *impasse* a way out was ultimately found through arbitration and compromise. The parties in Louisiana submitted to the members of the select committee of the House of Representatives, in their private capacity, the question as to who were entitled to seats in the legislature, and the judgment of the arbitrators gave the conservatives the majority in the lower house. On the other hand, the house as thus constituted agreed not to disturb the Kellogg administration.[1] This adjustment of a dangerous situation was due in large measure to the tact and good judgment of Representative W. A. Wheeler, of New York, and was accordingly referred to commonly as the Wheeler compromise.[2]

Through this adjustment in Louisiana, irregular and unprecedented as was the method by which it was reached, the white people of the state made a decided advance towards the triumph of their cause. Nor was the measure of this advance merely the control of one house of the legislature. Quite as important was the fact that prominent northern

[1] McPherson, *Handbook of Politics*, 1876, p. 200; Fleming, *Documentary Hist. of Reconstruction*, II., 157.

[2] Cf. Hoar, *Autobiography*, I., 243.

Republicans had condemned the procedure of the radicals in the state and conceded some degree of justification to the conservatives. Lamar's eulogy on Sumner was not more significant of a new era than the admission by Hoar that the former rebels of Louisiana manifested in their home lives some of the human traits and even virtues that prevailed in New England.

Pending the settlement in Louisiana the president unexpectedly manifested a disposition to overthrow the conservative régime that had been established in Arkansas after the Brooks-Baxter war.[1] Here also, however, a House committee took direct issue with the president and declared that there was no occasion to interfere.[2] The adoption of this report by the House was made the occasion for the appointment of a day of thanksgiving by Governor Garland, of Arkansas.[3] In April, 1875, Attorney-General Williams, who had been regarded as Grant's chief adviser in radical policies as to the South, retired from the cabinet, and was succeeded by Edwards Pierrepont, of New York, a man reputed very moderate in his views. This change also gave much encouragement to the white men of the South.

The movement for white supremacy, having met with entire success in Alabama and Arkansas, and with qualified success in Louisiana, manifested itself

[1] *Appleton's Annual Cyclop.*, 1875, art. Arkansas; cf. above, p. 248.
[2] *House Reports*, 43 Cong., 2 Sess., No. 127.
[3] *Appleton's Annual Cyclop.*, 1875, p. 36.

next in the state which adjoined all of these—Mississippi. This was, next to South Carolina, the most thoroughly Africanized of the southern states. The blacks were in a majority of some sixty thousand in the population. Because the carpet-baggers were not as numerous proportionately as in some of the other states, the negro element among the office-holders was correspondingly more conspicuous.[1] Corruption and general misrule were manifest more in the local than in the state administration; but the evils of the radical régime assumed proportions by 1875 that put Mississippi nearly abreast of Louisiana and South Carolina. The governor at that time, General Adelbert Ames, a son-in-law of Benjamin F. Butler, of Massachusetts, was a well-meaning but not politically experienced officer, who had been induced to give up a promising career in the army by the consciousness of a "mission" to aid the blacks against their native white oppressors.[2] His administration as governor had produced a schism in the radical party which contributed no little to the hope of the conservatives in the campaign of 1875.

The aggressive and violent element among the whites entered early and with ardor into the work of the contest. Armed clubs on the model of the Louisiana White Leagues were organized in all the counties where the negroes were most numerous,

[1] Cf. Garner, *Reconstruction in Miss.*, 414 *n.*

[2] *Senate Reports*, 44 Cong., 1 Sess., No. 527, I., Test., 20.

and by boisterous parades, miscellaneous firing, and other demonstrations, half sportive and half serious, they impressed the blacks with a sense of impending danger. Actual violence was rare, but early in September, 1875, serious collisions between the races occurred at Yazoo City and Clinton, with the usual excess of colored casualties. Ames appealed to the president for Federal troops, but Grant, through Attorney-General Pierrepont, impatiently refused to send them till the governor should have shown that he could not keep the peace by his own resources. This response, so different from what had been customary in respect to Louisiana, caused the governor to look to the state militia. His preparations to call out and employ negro companies caused panic among the moderate conservatives. They had been hardly less alarmed than the blacks themselves at the proceedings of the violent whites; for they knew that the negro militia at its first appearance in force would be mercilessly slaughtered by the white clubs, and that the occupation of the state by the Federal forces would promptly follow. It was charged, indeed, that this was the precise end which Ames had in view.

The governor, however, had no stomach for so extreme a policy. After several weeks of great tension and of preparation for war, a sort of treaty of peace was arranged between Ames and the conservative leaders, in accordance with which they undertook to put a stop to all forms of disorder till

after the election, and he agreed to disband his black militia.[1] The remaining two weeks of the campaign were relatively quiet, though the restraint of the turbulent conservatives taxed to the utmost the diligence of the leaders.[2] Peace prevailed generally on the day of the voting,[3] and the returns showed a clean sweep for the conservatives, with a majority of thirty thousand.

When the new legislature, strongly conservative in both houses, met early in 1876, the process of terminating the régime of negroes and carpet-baggers was carried out with thoroughness and despatch. Having removed the lieutenant-governor by impeachment, and forced the resignation of the superintendent of education by the same process, the legislature next proceeded to dispose of Ames. The governor assumed a haughty and defiant attitude, denouncing the legislature as an illegal body, elected by fraud and violence. But when he had been impeached and the trial was about to begin, he agreed to resign his office on condition that the impeachment should be dismissed. The legislature promptly acted on the proposition, and he resigned March 29, 1876.[4]

[1] *Senate Reports*, 44 Cong., 1 Sess., No. 527, I., 356; Garner, *Reconstruction in Miss.*, 388.

[2] See telegrams in *Senate Reports*, 44 Cong., 1 Sess., No. 527, I., 389 et seq.

[3] For exceptions see Garner, *Reconstruction in Miss.*, 394.

[4] *Ibid.*, 406; Mayes, *Lamar*, 264.

CHAPTER XVIII

THE NADIR OF NATIONAL DISGRACE

(1875–1876)

WHEN the forty-fourth Congress met for its first session, December 6, 1875, the new House of Representatives gave striking evidence of the political revolution which had produced it. The speaker's chair, where Blaine, of Maine, had sat through eight legislative years, was occupied by Kerr, of Indiana; Randall, of Pennsylvania, Morrison, of Illinois, and Cox, of New York, took the places of Dawes and Butler and Garfield as leaders of the business on the floor; and the *personnel* of both sides showed great changes among the rank and file. Many of the old and tried Republican heroes of the reconstruction times had disappeared, while among the Democrats the salient fact was the great influx of new men from the South, most of whom had served their section in arms during the war. That the conflict of the races in the South was not yet entirely settled in favor of the whites was indicated by the presence of seven negroes in the House,[1] two from South Carolina and one each

[1] *World Almanac*, 1875, p. 63.

from North Carolina, Florida,[1] Alabama, Mississippi, and Louisiana; while in the Senate a single member, Bruce, of Mississippi, still preserved the foothold which his race had gained in that reluctant body.[2]

The Democrats in the House, however peremptory and sweeping might seem their mandate from the people, were obviously in no position to secure partisan legislation on either of the two great pending issues—administrative reform and the southern question. A substantial Republican majority in the Senate and a Republican president blocked the way. But the chief and obvious task of the Democrats in the House was to investigate and expose, with all the resources of their great majority, the springs and ramifications of that condition in the government which the foes of the administration, not wholly without reason, called "Grantism." To this task they devoted themselves with promptness and ardor, but with results that tempered the joy of the partisan with the grief of the patriot.

There had been no lack of efforts by reforming Republicans to ferret out the abuses and corruption in the administration: the Sanborn contracts and other unsavory affairs had been exposed by Republicans. But the tendency had been in the House, as it continued to be in the Senate, to expend most time and energy on the crimes of the whites and the

[1] Unseated in April, 1876; cf. McPherson, *Handbook of Politics*, 1876, p. 139.

[2] McClure, *Recollections*, 253.

sufferings of the blacks in the South. With the change of control in the House, the inquisition into the conduct of the executive departments was taken up in a new spirit.[1] Before the forty-fourth Congress assembled, however, the administration itself had brought to light, and in some measure to punishment, the malefactors in a colossal scheme of plundering and corruption, though the very process made new revelations of the meaning of Grantism.

That western distillers were systematically evading the tax on whiskey was pretty well known as early as Grant's second election, in 1872. Secretary Bristow, at his assumption of the treasury portfolio in 1874,[2] addressed himself with vigor to the task of terminating and punishing the frauds. Success was slow in coming, because his plans were revealed to the guilty parties by accomplices in Washington. At last, in the spring of 1875, an ingenious scheme was devised and carried out through which, with the utmost secrecy, the secretary secured the necessary evidence on which to act.[3] Accordingly, on May 10, without warning, a large number of distilleries were seized, and in due course nearly two hundred and fifty civil and criminal suits were instituted. The loss of revenue to the government for the preceding ten months only was one million

[1] See resolution of general instruction to House committees January 14, 1876, *Cong. Record*, 44 Cong., 1 Sess., 414.
[2] See above, p. 242.
[3] Lalor, *Cyclop. of Pol. Sci.*, III., 1112.

six hundred and fifty thousand dollars, and earlier stealing had made the total of the ring's illegal profits enormous.[1]

The ramifications of the system through which the plunderers operated were very extensive. A large number of revenue officials were involved, their consciences being in some cases salved by the explanation, which was in a very small degree true, that the money stolen went into a Republican campaign fund. What caused profound apprehension among decent people, however, was the fact that the officers principally concerned were shown to have been on intimate terms with General Babcock, the president's private secretary, and in a measure with Grant himself. John McDonald, a politician of bad repute in St. Louis, had been appointed to a responsible position in the internal revenue service in 1870, against the protests of both senators from Missouri,[2] and through him the whiskey ring developed its operations. When the president visited St. Louis, in 1874, his party was lavishly entertained by McDonald, who also presented him with a valuable pair of horses. These favors were accepted, as Rhodes phrases it,[3] "with oriental nonchalance" by Grant. Fifteen months later McDonald was convicted of complicity in the whiskey

[1] Report of commissioner of internal revenue, in *Appleton's Annual Cyclop.*, 1876, p. 666.
[2] *Nation*, November 25, 1875.
[3] Rhodes, *United States*, VII., 184.

frauds, and this fact was received by the president apparently in the same spirit of emotionless detachment.

The enemies of the administration and many of its sorrowing friends failed to share the presidential imperturbability. They feared, moreover, that behind the screen of Grant's self-complacency and phlegm projects were evolving such as would naturally flow from human feeling, whether of anger at friendship abused or of sympathy for persecuted innocence. Not, however, till the prosecuting officers came upon evidence pointing to Babcock as the accomplice of the thieves did it appear that the president was exerting direct influence upon the course of judicial proceedings. The exact nature and extent of this influence were not revealed till some time afterwards, when it was shown that Grant's weak judgment and almost infantile credulity had been exploited with great shrewdness by Babcock and his friends.[1] Various modifications of policy in the prosecution were dictated by the president on grounds that struck him as compact of impartial justice, but filled the hard-headed lawyers of the treasury and the department of justice with dismay. By all the public save extreme radicals the fluctuating course of procedure was taken to indicate that the power of the administration was being employed to avert punishment from the guilty.

[1] *House Misc. Docs.*, 44 Cong., 1 Sess., No. 186, especially testimony of Attorney-General Pierrepont and Bluford Wilson.

It was even suggested that not Babcock alone, but Grant himself, was to be saved by these high-handed means. That circumstances gave any basis whatever for such insinuations carried profound humiliation to the heart of every sober-minded citizen.

The most desperate exertions in Babcock's interest—extending to forgery for the purpose of discrediting a prosecutor with Grant, and to the purloining and publication of a confidential communication from the attorney-general to his subordinates[1]—did not avail to save the president's secretary from arraignment before the courts. He was indicted in December, 1875, and tried at St. Louis in the succeeding February. The verdict of the jury was "not guilty," but the verdict of the country was "not proven." Grant made a deposition for the defence, declaring that he knew of no wrong-doing by the accused, nor of anything suggesting it. This naïve confession, coming in the midst of evidence that Babcock had been in closest relations and in uninterrupted communication with leading members of the ring, served only to emphasize the pitiful stupidity of the president in his estimate of associates, and to deepen the sense of shame among decent people at the unprecedented position of the nation's chief magistrate.

Just one week after the end of Babcock's trial, and before the agitation connected with it had begun to subside, an even lower depth of national humilia-

[1] *House Misc. Docs.*, 44 Cong. 1 Sess., No. 186, pp. 11, 358.

tion was sounded. March 2, 1876, a House committee, just beginning an investigation of the war department, reported unquestioned evidence that Secretary Belknap was guilty of malfeasance in office, and recommended his impeachment.[1] The House immediately and without opposition adopted the recommendation, but not till after Belknap had sent in, and Grant had accepted, his resignation as secretary of war. It appeared that the post-trader at Fort Sill, in the Indian Territory, had since 1870 been paying from six to twelve thousand dollars per annum to a friend of Belknap's for the privilege of retaining his place, and that a portion of this sum had been regularly turned over to the secretary or some member of his family.[2]

That jobbery and graft of this sort pervaded the lower ranks of Federal officials had long been notorious, for convincing indications of it appeared in many investigations, though precise legal evidence was naturally rare. It is doubtful, however, if the most malicious assailant of the administration had imagined any officer of cabinet rank guilty of the sale of place, much less dreamed that such guilt would be demonstrated with the utmost circumstantiality. The demand for immediate punishment of Belknap was loud and angry from all parts of the land and without distinction of party. But the swift course of the impeachment was promptly

[1] *Cong. Record*, 44 Cong., 1 Sess., "Trial of W. W Belknap," iii. [2] *House Reports*, 44 Cong., 1 Sess., No. 186, p. 3.

blocked by a serious obstacle—the denial that the process of impeachment could be made use of in this case; and with a certainty which even strong Republican partisans now angrily declared was all too familiar, the creation of this obstacle to speedy justice was traceable to the White House.

By hasty acceptance of the secretary's resignation the president divested him of the character of officer of the United States. Whether one not possessing that character was subject to impeachment was a question about which the lawyers at once began to weave a wordy tangle of technical debate. The Senate organized itself as a court of impeachment April 5, but this question of jurisdiction occupied its attention till the end of May, when it finally voted, by 37 to 29, that Belknap was properly before it for trial.[1] This vote foretold the outcome and really rendered further proceedings unnecessary. The trial, nevertheless, was carried to a conclusion, which was reached August 1. Thirty-seven senators found Belknap guilty, and twenty-five voted not guilty, many of the latter explaining that their votes were based exclusively on the belief that the Senate had no jurisdiction.[2] Thus, for want of a two-thirds vote for conviction, the disgraced officer escaped without further punishment.

Public dissatisfaction with the president for having promoted the failure of justice in this case was

[1] *Cong. Record*, 44 Cong., 1 Sess., "Trial of W. W. Belknap," 76.

[2] *Ibid.*, 343 et seq.

even more pronounced than in the case of Babcock, in proportion as the matter was more clear. His hasty acceptance of Belknap's resignation was explained on various grounds—some creditable to his humanity, some to his gallantry, but none suggesting statesmanship, ordinary political sagacity, or any slightest perception of the larger moral responsibilities attaching to his exalted public position. Whether he ever really felt that Belknap had done wrong seems open to doubt. His own record in the matter of accepting gifts was a mainstay of the defence on the trial, and was mercilessly exploited by the veteran Jeremiah S. Black.[1]

The great and general agitation of public opinion in connection with the Belknap affair seems to have struck Grant as chiefly due to the approach of the presidential election. Considerations of partisan politics, which, as we have seen, had been almost wholly neglected by him at the beginning of his executive service, had since through long and hard experience become a leading influence in his policy. In 1869 he had regarded himself as the leader of the people; in 1876 he realized that he was but the chief of the Republican party, and indeed of but one faction of that party. The terrible assaults on the administration for the corruption which it harbored he looked upon as merely Democratic campaign practice, or the din of the moderate Republicans

[1] *Cong. Record*, 44 Cong., 1 Sess., "Trial of W. W. Belknap," 317, 318.

seeking to terrify the radicals whom he was supporting for the succession. Secretary Bristow, seeking to complete the destruction of the whiskey ring, became an object of suspicion to the president, and was forced, in June, 1876, to resign, followed in his retirement by all the subordinates who had been most efficient in prosecuting the plunderers.[1] Grant believed that Bristow was using his position in scheming for the Republican nomination, and never suspected that this belief was largely due to the adroit and subtle manipulation of the presidential mind by the powerful friends of the ring. The dismissal of Postmaster-General Jewell in July gave additional evidence that no toleration of reform was to be exhibited; for the only apparent ground for the act was Jewell's open preference for efficiency over partisanship in the administration of his department. By this time, however, the presidential campaign was fully developed, and some allowance must be made for that "necessity" which overrides reason and justice as surely in a battle of the ballots as in a battle of the bullets.

The sudden and dramatic exposure of Belknap in March gave a sharp stimulus to the inquisition to which the House committees were subjecting the executive departments. Partisan zeal quite as much as purely moral fervor was operative in the process, and the enlightened public watched with something akin to terror lest some new shame should

[1] *North Am. Rev.*, October, 1876, p. 321.

be revealed. But the painstaking industry of the committees gave no results comparable with the ignominy of March. Name, place, and date were established for practically every species of maladministration that had been vaguely charged. Extravagance, inefficiency, favoritism, disregard for the exact requirements of the law appeared throughout the working of the navy department under Robeson,[1] the postal department prior to Jewell's accession, and the interior department under Delano; and in the war department an extensive traffic in post-traderships, outside of that which brought the secretary low, was exposed, of which a brother to the president proved to be a conspicuous beneficiary.[2] The evils were, however, for the most part abuses of discretionary powers rather than clear violations of law; and the causes most obviously responsible for them were the almost universal prevalence of political patronage in connection with the offices, and that spirit of relentless and unmoral wealth-getting which, deprived by the industrial depression since 1873 of the opportunity for effective action in the business world, maintained and even strengthened its hold on the devotees of the political life.

Though the executive departments furnished no further startling revelations, the House of Repre-

[1] The evidence is in three stout volumes, *House Misc. Docs.*, 44 Cong., 1 Sess., No. 170; see also *House Reports*, 44 Cong., 1 Sess., Nos. 788, 789.

[2] *House Reports*, 44 Cong., 1 Sess., No. 799.

sentatives itself contributed an incident which, while not entirely clear in its outcome, served in some degree to confirm the general sense of corruption among public men. James G. Blaine, the brilliant and popular Republican leader in the House, was, in April, 1876, accused by certain newspapers of having accepted substantial favors from the Union Pacific and other land-grant railroad companies while he was speaker in 1871. The judiciary committee of the House was directed to investigate the matter. Its proceedings developed the fact that letters written by Blaine to one Fisher, a railway promoter who had been interested in the roads concerned in the charges, were in the possession of a witness named Mulligan. The ex-speaker went to Mulligan's room, procured the letters for inspection, refused to return them, and never again let them get out of his own possession. He read them before the House, however, in a wonderfully dramatic speech in his own defence, June 5, and scored a remarkable success with the audience there present.[1] The cold analysis to which the investigating committee would have subjected the matter was prevented, first by Blaine's refusal to surrender the letters to the committee, and second by a sudden illness, followed by an appointment to the Senate which removed him from the jurisdiction of the House. The facts developed put Mr. Blaine under

[1] *Cong. Record*, 44 Cong., 1 Sess., 3604; Gail Hamilton, *Blaine*, 362; Rhodes, *United States*, VII., 202.

grave suspicion of just that sort of questionable wealth-getting, if nothing worse, which had ruined his colleagues in the Crédit Mobilier. Thus one more exalted reputation was left tainted and tottering, and the episode fitted harmoniously into that general scheme of malodorousness in which Grantism had involved the Republican party and the republic itself.

The most cunning and malignant enemy of the United States would not have timed differently this period of national ill-repute; for it came with the centennial of American independence. A century of the nation's life rounded to completion amid the scandals that have been described. From his preoccupation with the persecuted virtue of Babcock and the vicious ambition of Bristow, the president was called to Philadelphia to open officially the notable exhibition which from May till November illustrated the progress and fed the pride of the people.[1] On July 4 an impressive ceremony at Philadelphia and an immense access of enthusiasm throughout the country signalized the actual completion of the hundred years. The occasion, depressing as it was to those who felt most keenly the incongruities of things, served a very useful purpose in diverting the great masses who wished to be diverted from the evidence that the venerated institutions of the fathers had not produced precisely what the fathers would have desired.

[1] Andrews, *United States in Our Own Time*, 197; *Appleton's Annual Cyclop.*, 1876, art. Exhibition.

CHAPTER XIX

THE PRESIDENTIAL CAMPAIGN (1876)

THE issues about which the quadrennial conflict of the parties was to turn were those defined by the conditions sketched in the last two chapters—namely, the southern question and administrative reform. Equally important with these in the field of public interest and serious statesmanship was the problem of the currency; but the division of popular sentiment on this subject was so far from coinciding with party lines[1] that the leaders on both sides handled it very gingerly. The moderate opponents of specie resumption retained their respective party affiliations and sought to damage the policy as they might by influence within the lines. An impressive number of extremists, however, broke ancient bonds and, through a national convention at Indianapolis, May 17, 1876,[2] organized a new party. This was the political fruition of the crisis of 1873, and of the distress and agitation which followed it, especially

[1] See votes in the House on repealing the resumption act, McPherson, *Handbook of Politics*, 1876, pp. 177, 180.

[2] *Appleton's Annual Cyclop.*, 1876, p. 781.

in the West. Taking the name "Independent," but more commonly known as the "Greenback" party, the convention proclaimed a platform of resolute opposition to resumption and of confidence in government notes as the ideal currency. The candidates presented to the voters were Peter Cooper, of New York, and S. F. Cary, of Ohio.[1]

In reference to the currency issue, then, the two great parties were on substantially equal terms: both feared, and neither could accurately gauge, the strength and effects of the greenback movement. As to the other two issues, the advantage at the beginning of the year 1876 was distinctly with the Democrats. The disrepute which had brought down the wrath of the voters on the Republicans in 1874 was progressing steadily to its climax. No mortal ingenuity could derive credit from the record of the administration. There was now no reassuring popular response to the sombre tales of southern outrage; the stanchest radical communities manifested stolid indifference to the woes of the negroes in Mississippi so long as the whiskey ring and Babcock were on trial at St. Louis. It seemed as if the Republicans, in the absence of any ground for aggressive appeal for popular support, would be reduced in the approaching campaign to a dull and hopeless defensive.

From this unpromising outlook they were rescued by ex-Speaker Blaine. A bill for the removal of all

[1] Stanwood, *Hist. of the Presidency*, 367.

remaining disabilities under the Fourteenth Amendment was taken up in the House of Representatives early in January on motion of the Democratic leader, Mr. Randall. Blaine antagonized the bill by a motion to except Jefferson Davis, and charged upon him responsibility for the sufferings of Union prisoners at Andersonville.[1] A long and hot debate ensued, in which the ex-Confederate members not only defended Davis, but also, and not with great wisdom, made grave charges against the North of cruelty to Confederate prisoners. Blaine and his supporters skilfully lured on the southerners to heated expressions, and used the spirit thus elicited to sharpen the point that through the Democratic party the old rebel feeling and purpose persisted and tended to triumph.

As mere party tactics this procedure of Mr. Blaine was perfect. It gave the Republicans a much-needed key-note of aggression. Cleverly avoiding the worn-out and ineffective negro phase of the southern question, it revived the white man's fiery war-time passion. To the western Republicans, in particular, this device appealed with strong effect. Their love and pity for the freedmen never approached in intensity their hatred for the rebel. To pass back over the issues of reconstruction to the emotions of the war-time—to suggest that the ex-rebels were subtly striving to warp the national power and resources to the justification and renewal

[1] *Cong. Record*, 44 Cong., 1 Sess., 323.

of their lost cause—was the sure way of arousing the fervid Unionism of that great region which was in a special sense the home of the party. The January debate on amnesty gave new strength and tone to the Republicans, and incidentally secured for him who led it the first place in the race for the presidential nomination.

Blaine's spectacular manœuvre was viewed with great chagrin by that wing of the party which aimed to make reform the chief purpose of the campaign. He had been reckoned one of the moderates; but his new and effective appeal to sectional passion alienated the more positive of his reforming admirers. They did not share his instinctive perception that, in view of the administration's record, the battle-cry of reform, by whomsoever raised, would make more votes for the Democrats than for their adversaries. In the middle of May a conference of moderate Republicans, including many that had participated in the Liberal movement of 1872, was held at the Fifth Avenue Hotel in New York.[1] By this time the imputations upon Mr. Blaine's integrity had become common property and confirmed the hostility with which he was regarded by reformers. Accordingly, the address issued by the conference, written by Carl Schurz,[2] and designed particularly to influence the approaching Republican convention, included Blaine with Morton and Conkling among the cleverly indicated

[1] Haworth, *Hayes-Tilden Election*, 15. [2] *Ibid.*, 16.

though unnamed aspirants whose candidacy the friends of reform could not support.[1] Among the members of the conference ex-Secretary Bristow unquestionably was looked upon with most favor, but the purpose to abstain from naming a candidate—doubtless confirmed by the dismal memories of the Liberal fiasco—was sedulously adhered to.

Senators Morton and Conkling aspired to the Republican nomination on the basis of their undeviating support of the administration. Each headed a devoted column of supporters whose numbers and enthusiasm derived chief nourishment from the Federal patronage. The united forces of these aspirants constituted that wing of the party which was opposed *à l'outrance* to the demand for reform. All its confidence was in the issue that the southern whites were undoing reconstruction and destroying the party that had saved the Union; and its logical candidate was President Grant himself.

Not long after Grant's second inauguration in 1873, the *New York Herald*, in the mere exuberance of a notorious sensationalism, broached the idea that the president was scheming to secure a third term for himself. The idea was taken up with joy by hostile journalists and politicians, and was nursed and developed into a portentous bogey duly dubbed "Cæsarism." No thinking person, save Democratic politicians seeking political capital, attached any

[1] *Appleton's Annual Cyclop.*, 1876, p. 779.

importance to the agitation,[1] which was kept up, with obviously hard labor, throughout the elections of 1874. In the spring of 1875, however, the president played into the hand of his enemies by writing for publication a letter in which his declaration that he was not a candidate for another nomination was so carefully qualified as irresistibly to suggest that he would willingly accept it.[2] The letter gave a new aspect to the manœuvres of the administration wing of the Republican organization. At the same time it stimulated conclusive demonstrations that the party as a whole could never be brought to acquiesce in the perpetuation of Grantism. At the opening of the session of Congress in December, 1875, a resolution passed the House, by a vote of 234 to 18, declaring that a third term would be "unwise, unpatriotic and fraught with peril to our free institutions,"[3] and the majority included two-thirds of the Republican members of the House. In such an expression of feeling there was no encouragement for those who had been watching for a chance to press Grant to the front, and the administration politicians passed definitively to the work of nominating either Conkling or Morton.

The Republican convention met at Cincinnati, June 14, 1876. Its outcome was a radical platform

[1] Cf. Paine, *Thomas Nast*, 279, 296, 307.

[2] For the letter, see *Appleton's Annual Cyclop.*, 1875, p. 743; for an illuminating incident in connection with its despatch, see Garland, *Grant*, 432.

[3] McPherson, *Handbook of Politics*, 1876, p. 143.

and a reform nomination. With Babcock, Belknap, and the whole unsavory record of the administration fresh in their minds, the committee on resolutions could hardly frame an inspiriting appeal for support on the basis of the party's recent achievements. Hence the only clauses that embodied anything of the positive and aggressive tone familiar in platforms were those reciting the party's achievements in dealing with slavery and rebellion, and those denouncing the Democracy, and specifically the majority in the House of Representatives, as supporters of treason and as foes of the nation.[1] This species of "bloody-shirt" waving was obviously the species that Mr. Blaine had designed, and his choice as nominee would have been the appropriate accompaniment of the platform. But though he was far in the lead of every other candidate in number of delegates, the extreme radicals and the extreme reformers alike opposed him. The result was an eventual recourse to a "dark horse" — Governor Hayes, of Ohio—whose availability was of just that nebulous type which bulks largest to a tired delegate in despair of getting the man of his deliberate choice.

Hayes was nominated on the seventh ballot, and Congressman Wheeler, of New York, was speedily named for vice-president. Not till his letter of acceptance appeared was the precise quality of Hayes's Republicanism generally known. In that

[1] Preamble and resolution 16 of the platform, in Stanwood, *Hist. of the Presidency*, 369.

document he proclaimed with the utmost distinctness his abhorrence of the spoils system and his purpose to extirpate it, pledged himself not to accept a renomination, and announced in respect to southern affairs a desire to "wipe out forever the distinction between North and South in our common country." [1] These sentiments left no room to doubt that the Republican nominee belonged to the reforming wing of the party.

On the Democratic side, the initial stages of the campaign followed lines which circumstances made clear and easy. The record of Republican misrule and corruption during Grant's eight years furnished the basis of a platform, and the election and administration of Governor Tilden, in New York State, indicated with unmistakable emphasis the candidate. Tilden had, as a private citizen, contributed much to the procedure through which the Tweed ring was overthrown, and as governor he had brought to destruction a strongly intrenched and extremely corrupt canal ring in the interior of the state. His record created an impression of clear judgment and hard-headed efficiency. It was difficult for any one to maintain that with Tilden in the White House corruption in the public service would thrive without discovery.[2]

[1] *Appleton's Annual Cyclop.*, 1876, p. 783.

[2] Cf. Haworth, *Hayes-Tilden Election*, 28, and his authorities. For a good characterization of Tilden, see Peck, *Twenty Years of the Republic*, 115.

The Democratic convention met at St. Louis, June 27, 1876, and carried through with little friction the predestined programme. The platform had for its text "the urgent need of immediate reform," and from this it skilfully developed a telling indictment of the Republicans, involving all the scandals of the Grant administration. Tilden's nomination was effected on the second ballot, and Hendricks, of Indiana, was with even less difficulty named for his running mate. The letter of acceptance, in which Mr. Tilden gave his personal interpretation of the platform, was an able essay,[1] dwelling with special fulness upon the need and methods of reform in the finances and the currency.[2] His views in regard to the spoils system were scarcely distinguishable from those of his rival; and this fact inspired in thoughtful voters who were disgusted with Grantism the comfortable conviction that, however the election should go, an enormous change for the better would ensue at Washington.[3]

The campaign was fought through with skill and vigor on both sides.[4] For the Republicans, notwithstanding the triumph of the reforming wing in the nominating convention, it was the radical wing that furnished the only really effective issue. Hayes himself, speaking mainly in regard to the West, urged

[1] For a different judgment, see Rhodes, *United States*, VII., 216.

[2] *Appleton's Annual Cyclop.*, 1876, p. 787.

[3] Cf. Merriam, *Samuel Bowles*, II., 353.

[4] For details, see Haworth, *Hayes-Tilden Election*, chap. iv.: Rhodes, *United States*, VII., 219 et seq.

that most stress should be laid on the "dread of a solid South, rebel rule, etc., etc." [1] The Democrats concentrated their fire on the weak spots in the Republican administrative record, and had little difficulty in keeping the adversary in general on the defensive.

In the South the campaign was determined in its general features altogether by the issues of reconstruction; the exciting prospect of escape from the clutch of a hostile national administration set the hearts of the whites throbbing wildly from the Potomac to the Rio Grande. In those states in which the conservatives had entire control of the state governments, the most inveterate radical optimist expected no electoral vote for Hayes. By the time of voting in 1876, Mississippi, though "redeemed" only a year before, was as sure to go Democratic as was Tennessee or Virginia, whose redemption dated six or seven years back. Only in the three states in which negro and carpet-bag rule still endured—Florida, Louisiana, and South Carolina—was there doubt as to the outcome of the election.

In Florida the campaign was destitute of unusual incidents. The races, and hence the parties, were very nearly equal numerically, and the employment of irregular and lawless methods of affecting the voters and the votes was on a small scale and not a monopoly of either party.[2] Louisiana presented

[1] Gail Hamilton, *Blaine*, 422.

[2] Cf. *House Reports*, 44 Cong., 2 Sess., No. 143, pt. i.; *Senate Reports*, 44 Cong., 2 Sess., No. 611.

naturally a more exciting picture. The hope and determination of the whites to get rid of radical rule were no less marked than in 1874; but the violent wing of the conservatives was not so conspicuous, and its operations were more restricted, both in geographical scope and in publicity. The campaign of 1876 presented in a very large part of the state the normal features of a close and heated political contest. In New Orleans extensive fraud in the registration was attempted by both parties, with success chiefly on the part of the radicals, through their control of the official machinery.[1] In the great majority of the rural parishes a strong and persistent appeal to the blacks to abandon the radicals was made on more or less rational grounds by the whites, and it met with a little more than the customary success. More effective were the cajolery and social pressure that were freely employed to keep the blacks from the polls.

Open and systematic violence, however, which had been since the war, and especially under the anarchy of the Kellogg régime, a common feature of life in Louisiana, was during the period of the campaign noticeably rare. This result was attained only through strenuous effort on the part of the conservative leaders, who aimed to deprive the returning board of any pretext for manipulating the vote. In some half-dozen parishes, where the black population was most dense and barbarous, and the

[1] Haworth, *Hayes-Tilden Election*, 92–94, and his authorities.

whites were most brutal, little effort was made by either party to insure orderly conditions. It was taken for granted that many, if not all, of the precinct returns would be rejected, and the normal course of race tension, with incidents of hideous outrage, was allowed to run uninterrupted. These were the "bulldozed" parishes, whose peculiar record figured so conspicuously in the controversies over the election, and furnished a basis for the contention that the state as a whole was given over to violence and intimidation.[1]

In South Carolina the campaign was carried through by the conservatives with pretty open reliance on what was aptly called the "Mississippi plan." The situation was peculiar. In 1874, Daniel H. Chamberlain, a Massachusetts man of great eloquence and ability, had been elected governor to succeed the unspeakable Moses. By bold and spectacular proceedings he effected very considerable reforms in the state administration,[2] incurring thereby the vindictive animosity of the shameless crew in his own party whose vicious practices were interfered with. As the campaign of 1876 approached, the renomination which Chamberlain sought was

[1] The foregoing is based on the great mass of evidence collected and reported on by congressional committees, especially *Senate Reports*, 44 Cong., 2 Sess., No. 701; *House Reports*, 44 Cong., 2 Sess., No. 156; *House Misc. Docs.*, 44 Cong., 2 Sess., No. 34.

[2] Set forth in a series of articles in a friendly Conservative newspaper, reprinted in Allen, *Chamberlain's Administration*, chap. xviii.

violently opposed by the corrupt wing of the radicals. Among the Conservatives, on the other hand, a strong element, in despair of rescuing the state through their own party and race, supported the governor[1] and tried to prevent the nomination of any candidate against him.

Chamberlain was the only carpet-bagger governor in the South who had shown both the will and the ability to secure any measure of purity in state administration. On the race question, however, he was an unyielding dogmatist of the extreme New England type. With all his experience of the situation in South Carolina, he did not abate one jot or tittle of his confidence in the righteousness of reconstruction and of the political equality on which it placed the races. Such views, never disguised, repelled the mass of the white people. July 8, 1876, an armed collision between whites and blacks at Hamburg, Aiken County, resulted in the usual slaughter of the blacks.[2] Whether the original cause of the trouble was the insolence and threats of a negro militia company, or the aggressiveness and violence of some young white men, was much discussed throughout the state and, indeed, the country at large. Chamberlain took frankly and strongly the ground that the whites were at fault.[3] This affair, and the governor's attitude in reference to it, prac-

[1] Allen, *Chamberlain's Administration*, chap. xiii. at large.
[2] Haworth, *Hayes-Tilden Election*, 131, and his authorities.
[3] Allen, *Chamberlain's Administration*, 312, 318.

tically decided the question as to support of his candidacy by the conservatives.[1] In their state convention General Wade Hampton was named for governor. Chamberlain succeeded in securing the coveted nomination from his party, but his associates on the ticket included some of the most disreputable negro politicians that the radical régime had produced.[2]

The canvass was heated and was attended by many riots and much general turbulence.[3] The violent wing of the conservatives was imperfectly controlled by the moderate leaders. In a number of strong black counties white rifle clubs systematically patrolled their respective neighborhoods, attended under arms all Republican meetings, often with demands that Democratic speakers be heard, and exercised in general a tremendous pressure upon the negroes. After a serious collision between the races at Ellenton, September 16, in which these organizations had a large part, the governor felt obliged to take extreme steps against them. The clubs were appearing all over the state, and he claimed to have knowledge that they numbered at least two hundred and thirteen, with nearly thirteen thousand members.[4] Accordingly, he appealed to

[1] Reynolds, *Reconstruction in S. C.*, 347.

[2] Haworth, *Hayes-Tilden Election*, 135, and his authorities.

[3] *House Reports*, 44 Cong., 2 Sess., No. 175, especially pt. ii., p. 31 et seq.

[4] Allen, *Chamberlain's Administration*, 410; cf. *House Reports*, 44 Cong., 2 Sess., No. 175, pt. ii., p. 82.

the president for aid in suppressing domestic violence, and was promptly answered by a proclamation, under date of October 17, commanding the rifle clubs, as "insurgents," to disperse and disband, and by the despatch of all available troops in the military division of the Atlantic to South Carolina.[1]

Chamberlain's call for Federal aid finally severed whatever friendly relations he had retained with any conservatives. His view of the rifle clubs—their purpose and methods—was bitterly denounced by the whites. The conservative organizations, they claimed, were, so far as they had arms at all, purely defensive, intended to maintain the safety and peace of their communities against the hordes of ignorant blacks who were organized and armed to promote the plundering schemes of radical politicians.[2] But most of the clubs which the governor denounced were in fact merely peaceable political associations, with no purpose save the legitimate activities of an electoral campaign. Whatever of truth there may have been in these claims of the conservatives, the one fact was indisputable, that the contest in South Carolina closed with the race lines strictly drawn, save where the vicious adversaries of Chamberlain in his own party refused to follow the leader who had thwarted their now inveterate purposes of plunder.

[1] *House Exec. Docs.*, 44 Cong., 2 Sess., No. 30, p. 16 et seq.
[2] Reynolds, *Reconstruction in S. C.*, 356 et seq.

CHAPTER XX

THE DISPUTED COUNT
(1876)

ON November 7 the popular canvass of 1876 ended with the casting of the votes. Throughout the Union, in the turbulent South as well as in the peaceful North, the day passed without disorder. When in the evening the telegraph began the customary report of the results, attention was concentrated chiefly on the doubtful northern states, which were expected to be decisive. The returns from these early indicated that the Democrats had carried them all—New York, Connecticut, New Jersey, and Indiana. From the doubtful southern states and from the Pacific slope satisfactory news was slow in reaching party headquarters in New York. What came, however, was generally favorable to the Democrats, and on the morning of November 8 most newspapers of both parties announced that Tilden was elected.[1]

Meanwhile, anxious Republican editors and politicians, loath to admit defeat and shrewd in interpreting the latest reports, discovered a glimmer of

[1] Haworth, *Hayes-Tilden Election*, 45.

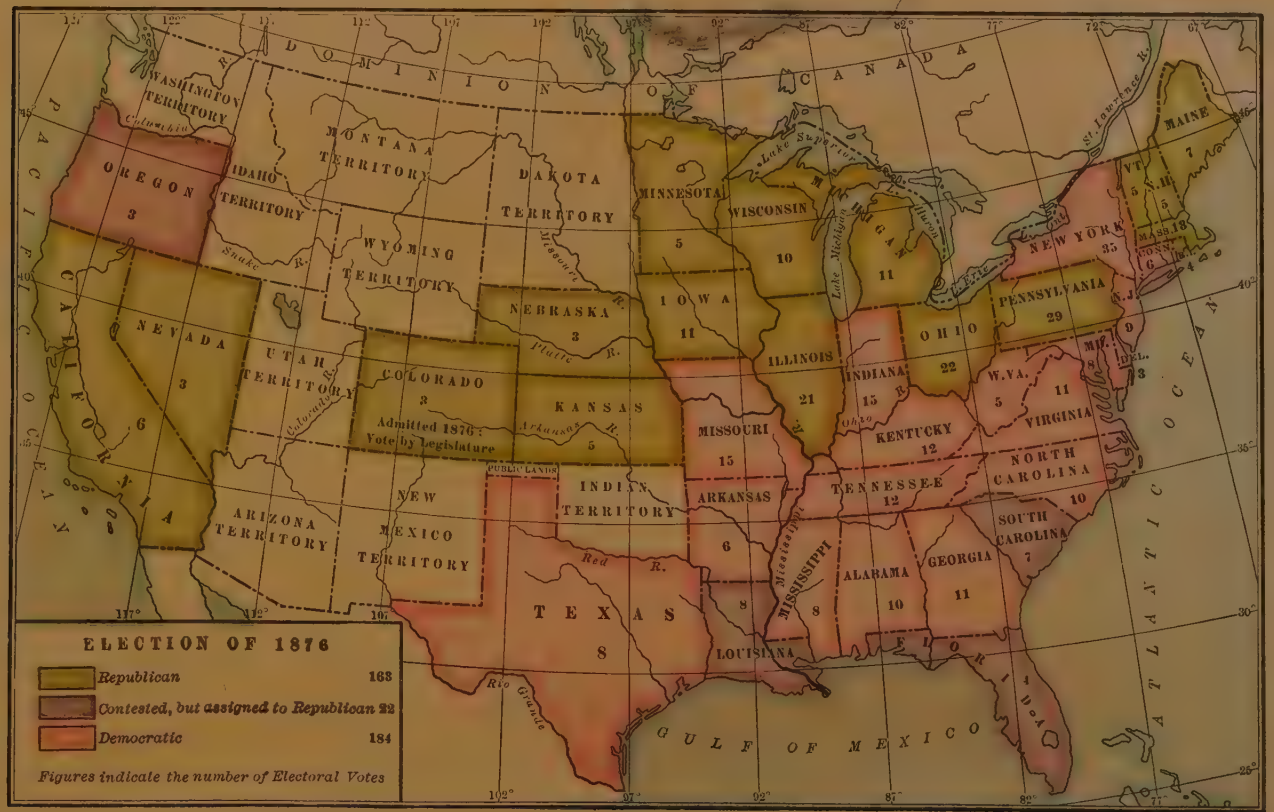
hope for Hayes.[1] It appeared pretty clear that Tilden had secured 184 electoral votes, one short of a majority. California and Oregon were apparently Republican; if to these could be added the three doubtful southern states—South Carolina, Florida, and Louisiana — Hayes would have 185 electoral votes and the presidency. Accordingly, early in the morning of November 8 the Republican leaders in the doubtful states were notified of the situation and urged to make sure of a favorable count, while from Republican headquarters and editorial offices the claim was sent forth in positive terms: "Hayes has 185 electoral votes and is elected."[2]

As it gradually became clear that the count of the votes in the three disputed southern states would decide who should next occupy the White House, the proceedings in those states engaged the excited attention of the whole country. Partisan feeling became everywhere bitter and demonstrative. The press teemed with charges and countercharges of accomplished illegality and fraud in the casting of the votes, and of intended fraud in counting them.

President Grant promptly insured that violence, at least, should be excluded from the situation. There were already considerable bodies of troops at the capitals of Louisiana and South Carolina, and

[1] Haworth, *Hayes-Tilden Election*, 48.

[2] Haworth's account of the incidents of the night and early morning after election is the most accurate of all thus far published. For others, see Gibson, *A Political Crime;* Bigelow, *Tilden*, II., 8.


ELECTION OF 1876
Republican 168
Contested, but assigned to Republican 22
Democratic 184
Figures indicate the number of Electoral Votes
Admitted 1876 - Vote by Legislature
PUBLIC LANDS
DOMINION OF CANADA
PACIFIC OCEAN
ATLANTIC OCEAN
GULF OF MEXICO
WASHINGTON TERRITORY
OREGON 3
CALIFORNIA 6
NEVADA 3
IDAHO TERRITORY
MONTANA TERRITORY
WYOMING TERRITORY
UTAH TERRITORY
COLORADO 3
DAKOTA TERRITORY
NEBRASKA 3
KANSAS 5
INDIAN TERRITORY
ARIZONA TERRITORY
NEW MEXICO TERRITORY
TEXAS 8
MINNESOTA 5
WISCONSIN 10
IOWA 11
ILLINOIS 21
MICHIGAN 11
INDIANA 15
OHIO 22
KENTUCKY 12
MISSOURI 15
ARKANSAS 6
TENNESSEE 12
MISSISSIPPI 8
ALABAMA 10
LOUISIANA 8
GEORGIA 11
FLORIDA 4
SOUTH CAROLINA 7
NORTH CAROLINA 10
VIRGINIA 11
W.VA. 5
PENNSYLVANIA 29
NEW YORK 35
MAINE 7
VT 5
N.H. 5
MASS 13
R.I. 4
CONN. 6
N.J. 9
DEL. 3
MD. 8
Lake Superior
Lake Michigan
Lake Erie
St. Lawrence R.
Columbia R.
Snake R.
Missouri R.
Platte R.
Arkansas R.
Colorado R.
Red R.
Mississippi R.
Ohio R.
Rio Grande
102°
97°
92°
87°
82°
77°
72°
67°
45°
40°
35°
30°
25°

two days after the election a force was sent to Tallahassee.[1] The commanding officers in all three capitals were enjoined to preserve peace, protect the canvassing boards, and denounce fraud.[2]

Parallel with the movement of troops to the storm-centres, there was a conspicuous movement of politicians in the same direction. Some went on their own initiative, out of curiosity or interest; many were urged to go by the respective party managers, whose reciprocal distrust was deep and unconcealed. William E. Chandler, an alert and energetic member of the Republican national committee, started for Florida the day after the election.[3] Two days later, November 10, President Grant himself requested a number of prominent northern Republicans to go to New Orleans "to witness the count," and Abram S. Hewitt, chairman of the Democratic national committee, promptly addressed a like request to leading northern Democrats.[4] As a result of these various impulses the final canvass of the popular vote in the three doubtful southern states was observed and in no small measure directed by groups of partisans of national reputation. In the parlance of the day, they were known as the "visiting statesmen." Prominent among them were John

[1] *House Exec. Docs.*, 44 Cong., 2 Sess., No. 30, pp. 22, 23.
[2] Grant to Sherman, November 10, *ibid.*, 24.
[3] Gibson, *A Political Crime*, 52.
[4] *Appleton's Annual Cyclop.*, 1876, p. 486; cf. *House Misc. Docs.*, 45 Cong., 3 Sess., No. 31, pp. 715, 862, 1084 passim; John Sherman, *Recollections*, I., 554.

Sherman, James A. Garfield, E. W. Stoughton, and E. F. Noyes (Republicans), and J. M. Palmer, Lyman Trumbull, Manton Marble, and Smith M. Weed (Democrats).

Whether the part played by the visitors was useful may be doubted;[1] that it imperilled many good reputations among them is unhappily beyond all doubt. At a time when practical politics was nowhere in the United States always clean, in the states where the carpet-bag régime endured it was indescribably dirty. Fraud and corruption were normal means to the attainment of political ends. When the end was so important as the control of the national government, it was not to be supposed that the local politicians would abjure their wonted methods. Hence some of the Republican visitors were obliged to ignore or connive at notorious cheating, and some of the Democrats to involve themselves in bargains for bribes. Rumors and charges of these things were incessant during the struggle over the count, but most of the clear evidence about them was revealed only two years later.[2]

South Carolina was early eliminated from serious controversy so far as the presidential vote was concerned. By the middle of November it was clear that the Republican electors had a small but safe

[1] McCulloch, *Men and Measures*, 420; Rhodes, *United States*, VII., 238.

[2] See *House Reports*, 45 Cong., 3 Sess., No. 140; *House Misc. Docs.*, 45 Cong., 3 Sess., No. 31.

majority in the popular vote.[1] The Democrats kept on claiming the state for Tilden, and in connection with the sharp struggle over the result of the vote for governor[2] sought to secure the electoral votes through legal process.[3] But the attempt failed, and on the appointed day the Republican electors duly cast their votes for Hayes and Wheeler. The Democratic candidates also went through the forms of voting for Tilden and Hendricks, but their proceedings lacked all the requirements of regularity.

In Florida the conflict over the choice of electors was much more serious and doubtful. When all the counties of the state were heard from, the Republicans claimed on the face of the returns a majority of 45 for Hayes, the Democrats a majority of 90 or 113 for Tilden.[4] With so close a vote the final result depended on the count to be made by the board of state canvassers. This board consisted of the secretary of state, the comptroller, and the attorney-general, of whom in 1876 the first two were Republicans and the last a Democrat. It was empowered by law to exclude any returns "so irregular, false or fraudulent that the board shall be unable to determine the true vote."[5] Under this authority

[1] Haworth, *Hayes-Tilden Election*, 155, and his authorities.

[2] See below, p. 327.

[3] Haworth, *Hayes-Tilden Election*, 151 et seq.; Reynolds, *Reconstruction in S. C.*, 399.

[4] *Senate Reports*, 44 Cong., 2 Sess., No. 611, pt. i., p. 3; *House Reports*, 44 Cong., 2 Sess., No. 143, pt. i., p. 3.

[5] *Senate Reports*, 44 Cong., 2 Sess., No. 611, "Doc. Ev.," p. 3.

the board assumed the right to take evidence in the case of contested returns and to determine judicially as to their correctness and validity. Its decisions, however, showed no deviation from the strictest partisanship. The Republican majority so modified and rejected the disputed returns as to insure the success of all the Republican electors, the lowest having 920 over the highest Democrat.[1] The Republican governor, Stearns, accordingly certified the choice of these men, and they cast the four votes of the state on December 6 for Hayes and Wheeler. The Democratic candidates for elector also met, received certificates of their election from the attorney-general of the state, and went through the form of voting for Tilden and Hendricks.

The result reached by the Florida returning board was promptly brought into question through suits instituted by the Democrats in the courts of the state. On December 23 the state supreme court decided that the returning board must act in a ministerial, not in a judicial, capacity, and must count the votes cast, not those which it considered legal. A recount of the vote for governor, ordered in connection with this decision, gave the Democratic candidate, Drew, a majority, and he was duly inaugurated, January 2, 1877. The new legislature, being Democratic in both houses, promptly passed an act directing that the vote for electors be canvassed anew, and this time in accordance with the

[1] *Senate Reports*, 44 Cong., 2 Sess., No. 611, p. 3.

law as declared in the decision of the supreme court. The returning board, consisting now, through the change of administration, entirely of Democrats, performed its duty under the act, and on January 19 declared that the Tilden electors had a majority of 87 votes. An additional act of the legislature directed the governor to certify the votes of these electors as the true electoral votes, and certificates to this effect were transmitted to Washington.[1]

Louisiana afforded to the Democrats the satisfaction, such as it was, of a substantial popular majority for Tilden. The parish returns, as they reached New Orleans, gave to the lowest Democratic elector over six thousand more votes than the highest Hayes elector.[2] While a Democratic majority at the ballot-boxes had been anticipated, that which actually appeared greatly exceeded Republican calculations. The rejection by the returning board of part or all of the votes from the "bulldozed" parishes was practically taken for granted by both parties; but much more was necessary if the goal of the Republicans was to be reached. Hence, from the moment when this situation was suspected, the radical state officials, sustained and assisted by the local politicians and the visiting statesmen,

[1] For all these proceedings after December 6, see Haworth, *Hayes-Tilden Election*, 77 et seq., and his authorities; especially *House Misc. Docs.*, 44 Cong., 2 Sess., No. 35, pt. iii.

[2] The figures varied considerably in different reports. Cf. *Senate Misc. Docs.*, 44 Cong., 2 Sess., No. 14, p. 164; *House Reports*, 44 Cong., 2 Sess., No. 156, pt. i., p. 1.

strained every nerve to furnish grounds on which the conservative vote could be further reduced by the returning board. Perjury, forgery, and shameless manipulation of the returns before publication were freely employed.[1] The Republicans asserted that violence and intimidation had pervaded all parts of the state, and were solely responsible for the large conservative majority.[2] The efforts of the conservatives to meet and refute the radical charges, and counteract their illegal proceedings, were no less energetic and in some cases no less unscrupulous than those of their adversaries. But the great advantage lay with the radicals because they controlled the state and Federal offices.

The ease and nonchalance with which the returning board reversed the majority in its count made the frantic lawlessness of its partisans before it met wholly uncalled for and hence ridiculous. Its methods were those which a Republican congressional committee had severely denounced in 1875.[3] It left unfilled a vacancy caused by the resignation of the only conservative member, though the law required that all political parties be represented on the board;[4] it ignored the specific statutory require-

[1] The most conclusive evidence on this point is the report and testimony of the Potter committee in 1878–1879, *House Reports*, 45 Cong., 3 Sess., No. 140; cf especially the testimony of Jewett, Republican campaign manager, at p. 1440.

[2] See report of visiting statesmen to the president, *Senate Exec. Docs.*, 44 Cong., 2 Sess., No. 2.

[3] See above, p. 275.

[4] Election laws of Louisiana, in *Senate Exec. Docs.*, 44 Cong., 2 Sess., No 2, p. 160; cf. Haworth, *Hayes-Tilden Election*, 100.

ments as to the proof of violence, intimidation, and corruption,[1] and threw out returns on vague rumor and unsupported assertion; it ignored technical irregularities in returns that favored the Republicans, but used the same defects as a ground for rejecting returns that favored the Democrats. The spirit which is illustrated by such proceedings was quite equal to any emergency. After labors extending from November 20 to December 6, the board on the latter date announced the result: by rejecting every poll in two entire parishes and some seventy judiciously selected polls in other parishes, it cut down the Democratic vote by 13,213 and the Republican by 2415, leaving the Hayes electors with a majority of 3437 and upward.[2]

From the decision thus made no appeal of any kind was possible under the law of Louisiana. In accordance with this report, the Republican electors received certificates of election from Governor Kellogg, and on the same day, December 6, duly cast their votes for Hayes and Wheeler. At the same time the Democratic candidates for electors, reviving the dispute of 1872,[3] secured certificates of their election from McEnery, the long-quiescent antagonist of Kellogg, and formally voted for Tilden and Hendricks.

[1] Laws of Louisiana, 1872, No. 98, §§ 3, 26; also in *Senate Exec. Docs.*, 44 Cong., 2 Sess., No. 2.

[2] Haworth, *Hayes-Tilden Election*, 113, and his authorities.

[3] See above, p. 218.

Throughout the four weeks of returning-board activity in the South the country was in a state of feverish excitement, tending steadily to fierce passion as the remorseless extinction of Democratic hopes marked the progress of the count. In an eager search for means to stem the current that was running so strongly against them, the Democrats discovered a promising situation in Oregon. This state had been carried by the Republicans by an undisputed majority. Of the three electors, one, named Watts, was found to be a postmaster, and hence disqualified by the United States Constitution from appointment as elector. The governor of the state, L. F. Grover, was a Democrat. With the advice and support of the Democratic national committee, he took the ground that because Watts was ineligible the votes cast for him were void, and hence the leading Tilden candidate, Cronin by name, was elected. Accordingly, Grover recognized Cronin and the two eligible Republicans as the electors duly chosen by the state. The Republicans naturally refused to have anything to do with Cronin, and the meeting and voting of the electoral college were attended by proceedings[1] of a rather farcical character, despite the serious issue depending on them. The outcome was two sets of electoral returns from Oregon, one giving three votes to Hayes and Wheeler, and the other giving two votes to Hayes and Wheeler

[1] Described fully in Haworth, *Hayes-Tilden Election*, chap. IX.; and in *Senate Reports*, 44 Cong., 2 Sess., No 678.

and one to Tilden and Hendricks; but the latter return alone had that gubernatorial certification on which so much stress had been laid by the Republicans in connection with the southern states.

From the proceedings in South Carolina, Florida, Louisiana, and Oregon, it resulted that the voting of the electors on December 6 was no more conclusive as to who was to be president than the general voting of citizens on November 7. The double returns from these four states prolonged the uncertainty, and the excitement attending it, to the time when the electoral votes should be officially counted.

Congress assembled on December 4, two days before the electoral colleges voted. The situation that confronted the legislators was hardly less dangerous and disheartening than that which in 1860 preceded the outbreak of the Civil War. The Democratic half of the population believed that Tilden had been elected president, and many were professing a determination to place him in the White House by force, if necessary; the Republican half were no less convinced and resolute in their claims for Hayes.[1] Moderate men on both sides would readily have demanded and secured the settlement of the controversy in accordance with law; but the crowning discouragement of this crisis was that no law existed that could be appealed to, and none

[1] Haworth, *Hayes-Tilden Election*, 168; Rhodes, *United States*, VII., 241.

could be enacted save through the improbable, if not impossible, concurrence of a Democratic House and a Republican Senate.

From the hands of corrupt and lawless state returning boards and pettifogging governors the power to count the votes that would make the president passed on December 6 to some Federal authority, but what that authority was nobody could conclusively say. History and precedent, searched and scrutinized with tireless zeal during the critical weeks since November 7, furnished no enlightening comment on the pitifully non-committal words of the Constitution: "The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." [1] Counted by whom? By the president of the Senate, said many Republicans, with Senator Morton and Mr. Hayes.[2] By the two houses in joint convention, said some good Democrats.[3] By the two houses acting separately, said many of both parties. But the practical point at issue was, who should determine which, if any, of two or more returns from South Carolina, Florida, Louisiana, and Oregon em-

[1] A compilation of all previous proceedings and debates touching the counting of the electoral votes was prepared by a House committee and printed in *House Misc. Docs.*, 44 Cong., 2 Sess., No. 13.

[2] Haworth, *Hayes-Tilden Election*, 185, 210, 211, and his authorities.

[3] Foulke, *Morton*, II., 441; *Atlantic Monthly*, October, 1893, p. 523.

bodied the true vote of those states respectively. In the existing condition of partisan feeling, to leave the decision to the president of the Senate, a Republican, would insure in advance the acceptance of a Republican return in each case, and the election of Hayes; to leave it to a joint convention of the two houses, where the majority would be Democratic, would insure in advance the election of Tilden; to vest it in the two houses acting separately would merely produce a deadlock. Irrespective of their theoretical strength, none of these views could meet the situation.

But beyond the question as to who should exercise the power to count loomed another equally difficult and threatening. Under what limitations, if any, must the power be exercised? Must the counting authority accept as the true vote of a state that given by electors regularly certified to be such by the governor or other legally designated officer, or might investigation be made to test the correctness of the certificate? If the latter, how far might the investigation be carried? Might the report of the state canvassing board as to the vote for electors be attacked on the ground of illegality, error, or fraud in the board's procedure? This was a crucial question. The case of the Democrats in Florida and Louisiana rested largely on their claim that the majority for Tilden had been overthrown by grossly illegal and fraudulent action of the returning boards, and that no remedy for such wrongs

existed unless the Federal authority could go behind the returns and correct them.

These vexatious questions, with many others, dependent and collateral, formed the core of violent debate in both houses of Congress from its opening. Prompt action must be had to escape anarchy at the expiration of Grant's term on March 4, 1877. For, quite in keeping with the other features of this perplexing time, the same irreconcilable difference of opinion that prevailed as to how the election should be completed prevailed as to what should be done if it should not be completed. Should the president of the Senate assume the executive power? Or should President Grant remain in control until his successor should be found? Either course, and others that were suggested, would inevitably provoke resistance and civil war.

CHAPTER XXI

THE ELECTORAL COMMISSION (1877)

THE critical condition of affairs when Congress met caused moderate and conservative men of both parties to exert all possible pressure in favor of some practical compromise to get the votes counted. President Grant contributed much to the same end,[1] and displayed at this point, as throughout the electoral crisis, a breadth and firmness of judgment that contrasted most favorably with his course at other periods of his administrative career. As a result of the strong influences working for peace, each house appointed, just before Christmas, 1876, a committee of seven to deal with the matter, and the two committees were instructed to act in conjunction. After weeks of intense consideration and debate[2] they agreed upon a bill, which was reported to the houses January 18, 1877.[3]

This measure, which was by its own terms to

[1] Haworth, *Hayes-Tilden Election*, 191; *McClure's Mag.*, May, 1904, p. 81.

[2] Northrup, secretary of the House committee, in the *Century*, October, 1901, p. 923. See also Haworth, *Hayes-Tilden Election*, 196 et seq.; Rhodes, *United States*, VII., 248.

[3] *Cong. Record*, 44 Cong., 2 Sess., 713, 731.

apply only to the pending election, provided in minute detail for every step in the counting of the electoral votes.[1] The essential features were these: whenever objection should be made to the vote of a state from which but one return had been received, the vote should be counted unless the two houses, acting separately, concurred in rejecting it; when question should arise as to which, if any, of two or more returns from the same state was the valid one, the matter should be referred to a special commission, provided for in the bill, and the decision of this tribunal should be conclusive unless disapproved by both houses. This commission was to consist of five senators, five representatives, four associate justices of the Supreme Court designated in the bill, and a fifth associate justice to be chosen by his four colleagues. Finally, the vexed and vital question as to going behind the returns to ascertain who were the legal electors was left to the commission itself for decision, with elaborate care in the wording of the bill to avoid any suggestion as to what the decision should be. In the commission were vested "the same powers, if any, now possessed [for the determining of the electoral vote] by the two houses, acting separately or together"; and it was authorized to take into view "such petition, depositions and other papers, if any, as

[1] *U. S. Statutes at Large*, XIX., 227; the act is printed also in *Appleton's Annual Cyclop.*, 1877, p. 137; and in Haworth, *Hayes-Tilden Election*, 345.

shall, by the constitution and now existing law, be competent and pertinent in such consideration."

The bill, though it gave in its wording no suggestion of party considerations, was in fact based entirely upon them. Everybody knew that the commission was to consist of seven Democrats, seven Republicans, and one justice whose politics was "independent." The House would appoint three Democrats and two Republicans, the Senate would precisely reverse these figures; the four designated justices had been selected solely with reference to their known political sympathies—two Republican (Miller and Strong), two Democratic (Clifford and Field); and the independent, whose choice was one of the fixed understandings, was to be David Davis, of Illinois. Whether Justice Davis was more likely to lean to one side or the other was most minutely canvassed, and the Democrats derived, on the whole, rather the greater satisfaction from the process.

On January 25 the bill passed the Senate by 47 to 17. The Democrats gave 26 ayes and but one no. Conspicuous among the opposing Republicans were John Sherman, Blaine, and the truculent Morton. Conkling, at the special request of the president, strongly supported the bill.[1] On the very day of this vote an unexpected event in Illinois transformed the whole face of affairs in Washington.

[1] Childs, *Recollections of Grant*, 13; A. R. Conkling, *Roscoe Conkling*, 520.

Justice David Davis was elected by the legislature to the Senate of the United States to succeed John A. Logan. It was at once realized that Davis, having been elected by Democratic votes, would probably decline to accept the place on the electoral commission. This was a great blow to the Democrats,[1] for the justices from whom the place must now be filled were all pronounced Republicans. Probably the Democrats were never fully conscious how much their support of the bill was influenced by the expectation of Davis's appointment till they experienced the shock of his withdrawal. But it was too late to abandon the bill, and on January 26 it passed the House by 191 to 86, the Democrats furnishing 160 ayes, and the Republicans 69 noes.[2] Strong men of the party of Hayes were in this opposition—Garfield, Kasson, of Iowa, and Frye and Hale, of Maine, among them. January 29 the bill became law by the ready signature of the president, and on the first day of February the two houses came together to count the electoral votes.

The adoption of a plan to insure a peaceful count had been promoted by the quiet but powerful influence of certain conditions in the South. Of the three southern states which were disputed as to the presidential vote, Florida fell, as we have seen,[3]

[1] Cf. *Century*, October, 1901, p. 933.

[2] Blaine, *Twenty Years of Cong.*, II., 588 *n.* For slightly different figures, see Stanwood, *Hist. of the Presidency*, 387.

[3] See above, p. 314.

completely and peacefully under Democratic control so far as the state government was concerned. South Carolina and Louisiana, on the other hand, became the scenes of bitter controversies, tending to bloodshed. In South Carolina a violent dispute as to the control of the lower house of the legislature resulted in the organization of two houses, one consisting of conservatives and the other of radicals. These, in conjunction with the senators of their respective parties, both canvassed the vote for governor, and one declared Hampton elected, the other Chamberlain.[1] Both governors were in December, 1876, duly inaugurated by their partisans. Chamberlain occupied the state-house, protected by Federal troops; Hampton took quarters elsewhere in Columbia, but received the support and encouragement of practically the whole white population of the state.

In Louisiana a similar situation arose. On January 8, 1877, S. B. Packard was inaugurated as governor by the radicals, F. T. Nicholls by the conservatives, and each was recognized by a legislature consisting of his own partisans.[2] Packard and his government were practically confined, however, in the exercise of authority to the state-house, where Federal troops protected them. The conservatives in Louisiana, as in South Carolina, let it be clearly understood that they would insure reversion to

[1] Reynolds, *Reconstruction in S. C.*, 426.
[2] *Appleton's Annual Cyclop.*, 1876, p. 493; 1877, p. 458.

Federal military government rather than submit to a continuance of radical rule.[1]

Throughout the events connected with the setting up of dual governments, both Chamberlain and Packard besieged Grant with entreaties for positive recognition, and for the active employment of the troops against the conservatives.[2] The president, however, steadfastly refused to interfere; he ordered the commanders to prevent any violence, but declared that Congress must determine which was the legal state government. Accordingly, the rival organizations settled into relative quiet, pending the settlement of the problem which absorbed all the attention of the authorities at Washington.

Among the southern Democratic congressmen the cause of Nicholls and Hampton was hardly second in interest to that of Tilden. Even before Congress assembled, sharp-witted Louisianians began fishing in the troubled waters of the presidential dispute for some advantage to Nicholls. It was ascertained that Hayes might sustain the whites in case he became president.[3] Lamar and the other influential southerners in Congress were by this possibility inspired with a hope of saving something, even if they lost the national government. This hope, added to the general and unconcealed disinclination of the

[1] Cf. *House Misc. Docs.*, 45 Cong., 3 Sess., No. 31, p. 959; Reynolds, *Reconstruction in S. C.*, 425.

[2] McPherson, *Handbook of Politics*, 1878, pp. 59, 77.

[3] Testimony of Roberts, *House Misc. Docs.*, 45 Cong., 3 Sess., No. 31, p. 875.

southern leaders for any more civil war,[1] caused them to favor the bill for the electoral commission. Every Democratic senator from the reconstructed states voted for the measure, and only eight of the fifty-eight Democratic representatives from those states voted against it. On the other hand, every one of the carpet-bagger senators was included among the Republicans who opposed the bill.[2]

The electoral commission organized for its work January 31, with the following members: Senators Edmunds, Morton, and Frelinghuysen (Republicans); Thurman and Bayard (Democrats); Representatives Payne, Hunton, and Abbott (Democrats); Garfield and Hoar (Republicans). For the fifth justice, the four designated in the bill[3] chose, as had been anticipated, Joseph P. Bradley, who, though recently appointed by Grant as a Republican, had won much applause from Democrats, especially at the South, by his opinions against the constitutionality of the enforcement act in the case arising out of the affair at Colfax, Louisiana.[4] Justice Clifford, on the ground of his seniority, was made president of the commission.

The counting of the votes began February 1, in the manner prescribed by the Constitution. The president of the Senate, Ferry, of Michigan, in the

[1] Cf. Haworth, *Hayes-Tilden Election*, 176, 216.

[2] See McPherson, *Handbook of Politics*, 1878, p. 10, for the classified votes.

[3] See above, p. 325.

[4] See above, pp. 219 and 263.

presence of the two houses, opened the certified lists of votes from the states, taken in alphabetical order, and, if there was no objection from any member of either house, the votes were tabulated by duly appointed tellers. When Florida was reached, the three lists which had been sent from that state[1] were opened by President Ferry. Objection was promptly made to each of them, and under the recent act they were all referred to the electoral commission for its decision. Of the three returns, only that of the Hayes electors conformed literally to the law of the United States as to the casting and certification of electoral votes. One Tilden return, on the other hand, was fortified not only by a certificate of the governor, but also by an act of the legislature and a judgment of the state supreme court, declaring that the Tilden electors were the lawfully chosen representatives of the state.[2] The only weakness in this overwhelming official testimony to the validity of the Tilden votes was that all of it bore dates subsequent to December 6, 1876, the day on which, by Federal law, the electors cast their votes and ended their official life. An even more vital defect in the Hayes return was alleged by the Democrats — namely, that it was the outcome of illegality and fraud. To prove this, however, it was necessary to take evidence

[1] See above, p. 314.

[2] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 288.

beyond that furnished by the returns themselves. Hence arose the initial question which the commission must decide—whether it would "go behind the returns." On this question came the first great struggle between the distinguished counsel who were permitted to represent the respective causes, including Charles O'Conor and Jeremiah S. Black on the Tilden side, and William M. Evarts and Stanley Matthews for Hayes.

The Democrats offered to prove, by certain records of the votes cast and of the canvass of them, that the Florida returning board had, in reporting a majority for the Hayes electors, acted in contravention of the state law; and to prove further that one of the Hayes electors, Humphreys by name, was ineligible by virtue of holding a Federal office.[1] This offer of evidence was opposed by the Republican counsel on the ground that Federal jurisdiction in presidential elections did not extend to any questions about the appointment of electors: the state was directed by the Constitution to appoint electors, and the governor's certificate that such appointment had been made in conformity to the state law was conclusive upon the two houses of Congress when counting the votes. To this plain deduction from the words of the Constitution was added the practical consideration that, if the returning board's canvass could be attacked, the canvass of the county and precinct authorities

[1] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 18.

must also be open to investigation, and so on down to the actual votes of individual citizens. To go into all those questions as a general board of review for state elections would be to postpone indefinitely the ascertainment of any result, and would insure the anarchy which the commission was created to escape. To these arguments the Democratic counsel made cogent reply that the constitutional power to count votes must necessarily involve the power to distinguish, by whatever means were necessary, between genuine votes and counterfeit presentments thereof, and that the inconvenience of thorough investigation to establish right and justice would be no greater than that of abstention with the result of sanctifying fraud.

This question of taking evidence was the crux of the whole count; and the secret sessions of the commission while reaching a decision were long and strenuous. From noon to eight in the evening of one day, and from ten to three the next, the consultation lasted; and then, February 7, the formal decision was made against receiving evidence outside of the papers submitted to the two houses with the certificates of the electoral votes, except in respect to the eligibility of Humphreys.[1] The vote on both phases of the decision stood eight to seven, Commissioner Bradley going with the other Republicans on the main issue, but with the Demo-

[1] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 275

crats in respect to Humphreys. The evidence taken quickly showed that this elector had given up his Federal office before November 7, 1876.[1] Accordingly, on February 9, after additional arguments on the general question, the commission voted by eight to seven that the Hayes return embodied the true vote of Florida, and so reported to the two houses. Objection being made to this decision, the houses separated, and after limited debate the Senate sustained and the House of Representatives rejected the decision; under the act of January 29, the decision therefore was binding, and accordingly the four votes of Florida went to Hayes and Wheeler.

This result of the first great contest foreshadowed pretty distinctly the triumph of the Republicans. The votes of the commission dispelled the idyllic dreams of non-partisan judgments by its members. On the nice and subtle points of law which were so skilfully presented by the counsel, such legal experts as Thurman and Edmunds, Abbott and Hoar, Miller and Field, could not in every instance have taken opposite sides if the party issue had not been controlling. Justice Bradley alone, on a few votes, separated from his party associates, but his action was confined to subsidiary matters, and seemed a rather pathetic effort to satisfy in some slight measure the demands for exceptional independence which were imposed by the circumstances of his appointment.

[1] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 38.

On February 12 Louisiana was reached in the progress of the count, and was referred to the commission. It was known at this date that the methods through which the Tilden majority had been overcome by the returning board included those which just two years before had been unsparingly condemned by a House committee of which Wheeler, the candidate for vice-president, and Hoar, of the electoral commission, were members.[1] It was not known, save to a few Louisiana radicals, that one of the very papers before the commission, purporting to be a Hayes certificate, bore forged signatures.[2] But though this particular piece of criminality was not detected, the Democrats had good grounds for hope that the frauds and illegality with which the Republican votes were so deeply tainted would insure their rejection, even if the manifest irregularity of the Tilden return barred its acceptance. And the rejection of a single return for Hayes would elect Tilden.

In the Louisiana case the arguments of counsel were of a perceptibly more vehement character, with more frequent allusion to the political background of the issues. Ex-Senators Carpenter and Trumbull presented especially brilliant and striking arguments against the Hayes returns.[3] But Evarts

[1] See above, p. 275.

[2] Haworth, *Hayes-Tilden Election*, 115, and his authorities.

[3] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 76, 89.

and his associates, holding stoutly to the general theory which had triumphed in the Florida case, insisted that the formal regularity of the Hayes vote was conclusive upon the commission.

The Democratic counsel offered to prove a great mass of iniquity in the Louisiana canvass and returns, and tendered evidence to show that a number of the Republican electors were ineligible under the state law; that the returning board was unconstitutional; that it had no jurisdiction; that it had never canvassed the votes according to law. All these offers were refused by eight to seven; and in the steady march of the rejection the commission qualified its action in the Florida case by refusing to take testimony even as to the ineligibility of electors when appointed.[1] Against the rigid barrier thus opposed to it, the Democratic case went to pieces, and on February 16 the commission reported to the houses by the usual majority that the eight votes of Louisiana belonged to Hayes and Wheeler.

This decision practically extinguished the last hope of the Democrats; for every point on which they depended in the remaining contests was practically settled by anticipation against them. Indignation and wrath began therefore to be generally manifested in all Democratic circles. Unmeasured denunciation of the commission filled the press and the debates of the houses at Washington. The law-

[1] *Cong. Record*, 44 Cong., 2 Sess., "Electoral Commission," 80 et seq., 117.

lessness and fraud of the returning board were attached by imputation to the majority of the commission, Justice Bradley, naturally though unjustly, bearing the brunt of the assaults. Republican editors and speakers were not slothful or merciful in obvious retort, and the war of debate and vituperation raged as fiercely as before the act establishing the commission.

More serious, however, than the ebullitions of wordy resentment was the disquieting appearance of a purpose among some of the Democrats in the House to thwart the whole purpose of the act of January 29, and so to prolong the process of the count that no result should be reached by March 4. The act contained many provisions designed to insure despatch in all the proceedings and to prevent obstructive action by either house; but the time was now getting very short, and it seemed possible that resolute filibustering, especially if in the least favored by the speaker, might defeat the count.

The actual counting of the Louisiana votes was delayed by action of the House till February 20. On that day Oregon was reached, and the two returns from that state[1] went to the commission. The chief issue here was as to the effect of choosing an ineligible person as elector. Democratic counsel made the best of a case which was already hopeless,[2]

[1] See above, p. 318.

[2] See especially the argument of Merrick, *Cong Record*, 44 Cong., 2 Sess., "Electoral Commission," 175.

and the expected decision by the familiar vote was reached on February 23. The filibustering now became aggressive and open in the House, and various dilatory motions were supported by a majority of the Democrats. Only the unflinching firmness of Speaker Randall in repressing his party colleagues, and the union of a minority of the Democrats with the Republicans in sustaining him,[1] secured the due progress of the main business.

South Carolina, referred to the commission on February 26, was made the subject of political oratory and invective rather than of legal argument by Democratic counsel,[2] and was not argued at all by the Republicans. It was assigned to Hayes by the tribunal on the 28th, and was disposed of by the two houses on the same evening. A filibustering device in connection with the return from Vermont,[3] together with more or less perfunctory objections to votes from Virginia and Wisconsin, gave occasion for proceedings of the most boisterous and disorderly character in the House, lasting all through March 1.[4] Speaker Randall threw precedent to the winds in meeting the devices of the obstructionists; but he was sustained by a ma-

[1] *Cong. Record*, 44 Cong., 2 Sess., 2006 et seq For classified votes, see McPherson, *Handbook of Politics*, 1878, p. 26.

[2] Especially Black, *Electoral Commission*, 190.

[3] *Cong. Record*, 44 Cong., 2 Sess., 2021; Haworth, *Hayes-Tilden Election*, 274.

[4] See especially *Cong. Record*, 44 Cong., 2 Sess., 2032–2035 et seq.

jority in his most arbitrary rulings, and as a result the end of the count was reached by an all-night session. At ten minutes past four in the morning of March 2 the president of the Senate announced to the two houses the election of Hayes and Wheeler by the majority of one vote, precisely as had been claimed for them on the day after the election of November 7.[1]

It was Friday morning when the election of a new president was thus finally effected. At noon on the succeeding Sunday Grant's term would expire. The margin was narrow, but it was sufficient. In fact, the danger of an interregnum was never so great as it at times appeared to be. Of the hundred and more filibustering Democrats who delayed the end, not more than forty were really bent on preventing an election. These could not have succeeded, but they caused great uneasiness through the temporary support given to them by moderate colleagues. Among these latter were a group of southerners whose acts were part of a shrewd political manœuvre.

When by the award of Louisiana to Hayes his election was made practically certain, some of the southern Democrats resolved to insure at all hazards the recognition of Nicholls and Hampton by the new administration. Support to the filibusters was used to alarm the friends of Hayes, who were then notified that this support would be withdrawn

[1] *Cong. Record*, 44 Cong., 2 Sess., 2068; cf. above, p. 310.

if assurances could be given that he would, when president, abandon the radicals in Louisiana and South Carolina. A series of conferences took place, participated in by a number of southerners, including Senator Gordon, of Georgia, and Representatives Ellis and Levy, of Louisiana, and Watterson, of Kentucky, on the one side, and prominent friends of Hayes, including Senator John Sherman and Representatives Foster and Garfield on the other. The outcome was a definite agreement that the Democrats should use their influence to complete the count, and in the South should refrain from violence, while the Republicans should see to it that the new administration, and if possible Grant himself before his term expired, should withdraw the troops from the state-houses at New Orleans and Columbia.[1]

This agreement was formulated chiefly at a conference in the rooms of Mr. Evarts, at Wormley's Hotel, on February 26. While Mr. Hayes was not a party to it, it was based on evidence satisfactory to the southerners that his policy was to be what his friends undertook to secure. He had in fact resolved, independently of any bargain, to withdraw the troops,[2] and his friends knew it, though they could not commit him by any explicit pledge. The

[1] Testimony of Burke and Roberts, in *House Misc. Docs.*, 45 Cong., 3 Sess., No. 31, pp. 884, 964; Haworth, *Hayes-Tilden Election*, 268 et seq.

[2] Haworth, *Hayes-Tilden Election*, 270 *n.*

knell of the radical régime was officially sounded, however, by Grant. On March 1 Packard was notified of the president's belief that public opinion would no longer support the maintenance of state governments by use of the military, and of his purpose not to recognize either claimant for the governorship.[1] This was for the white people of Louisiana a welcome *peccavi* from the man who had doggedly stood behind Kellogg for such dreary years. Despite Grant's pronouncement, however, no formal order was issued withdrawing the troops from the state-houses, and both Packard and Chamberlain still held their positions when he passed his authority over to his successor. Mr. Hayes reached Washington on March 2, 1877, and on the evening of the following day took the oath of office in private at the White House as the guest of Grant. Thus was obviated a last faint possibility of trouble and interregnum, which was due to the fact that the 4th fell on Sunday. On March 5 the ceremony of inauguration took place, and the era of reconstruction as measured by administrations was ended.

The relief of the general public when the crisis was finally passed was deep and devout. Though the passion of fervid partisans found much fuel in some features of the electoral commission's work, the average citizen felt that any means of escape was better than a plunge into the pit of anarchy on the

[1] McPherson, *Handbook of Politics*, 1878, p. 67.

brink of which the nation had stood since November. To the reflecting spirit of the North the whole dispute confirmed the conviction, which had been created by the panic of 1873 and the maladministration and corruption later revealed, that other problems than those of the South were in most pressing need of solution. Though the Wormley agreement was not generally known when Hayes was inaugurated, the substance of it was in the thoughts of many men. Generalized, this famous bargain meant: Let the reforming Republicans direct the national government and the southern whites may rule the negroes. Such were the terms on which the new administration took up its task. They precisely and consciously reversed the principles of reconstruction as followed under Grant, and hence they ended an era. Grant in 1868 had cried peace, but in his time, with the radicals and carpet-baggers in the saddle, there was no peace; with Hayes peace came.

CHAPTER XXII

CRITICAL ESSAY ON AUTHORITIES

BIBLIOGRAPHICAL AIDS

THE best general guide to the sources for the period is the foot-note references of James Ford Rhodes, *History of the United States from the Compromise of 1850* (7 vols., 1893–1906), V.–VII. J. N. Larned, *Literature of American History* (1902), contains an annotated list of works dealing with the period; good but incomplete. W. L. Fleming gives a very useful list in New York State Education Department, *Syllabus No. 98, The Reconstruction of the Seceded States* (1905). References appended to articles in J. J. Lalor, *Cyclopædia of Political Science* (3 vols., 1881–1884), are of value for the constitutional issues of reconstruction, and are considerably extended in the reprint of those articles edited by J. A. Woodburn, as *American Political History* (2 vols., 1905), II. *The Cambridge Modern History*, VII., "The United States" (1903), 818–822, has a very useful list, but without evaluation of the works.

GENERAL SECONDARY WORKS

The only comprehensive narrative covering the years of reconstruction in a scientific spirit is James Ford Rhodes, *History of the United States from the Compromise of 1850* (7 vols., 1893–1906), V.–VII. Woodrow Wilson, *History of the American People* (5 vols., 1902), includes a brief but just and well-proportioned sketch of the period in vol. V. The years after 1870 are very well treated by E. Benjamin Andrews, *The United States in Our Own Time* (1903).

John W. Burgess, *Reconstruction and the Constitution* (1902), deals incisively with the legal and political aspects of the period. William A. Dunning, *Essays on the Civil War and Reconstruction* (rev. ed., 1904), analyzes some of the principal constitutional and administrative developments in the rehabilitation of the South. James G. Blaine, *Twenty Years of Congress* (2 vols., 1884–1886), II., though strongly partisan and often inaccurate, is useful and very suggestive for the congressional politics of the years 1865–1870, but has much less value for the later years. S. S. Cox, *Three Decades of Federal Legislation* (1885), covering much the same ground as Blaine, but from the opposite point of view, is no less partisan, and is even more inaccurate in details. Most leading topics of political and economic importance during the period are well treated in J. J. Lalor, *Cyclopædia of Political Science* (3 vols., 1881–1884); these articles, chiefly by the late Alexander Johnston, have been reprinted, under the editorship of J. A. Woodburn, as *American Political History* (2 vols., 1905). For a particular account of the negroes during reconstruction, recourse may be had to G. W. Williams, *History of the Negro Race in America* (2 vols., 1883), by a member of the race.

MANUSCRIPT COLLECTIONS OF SOURCES

Only a few of the important manuscript materials for this period have been made accessible to students. The private correspondence of Charles Sumner is in the Library of Harvard University. The Library of Congress possesses four sets of private papers which are of value for this period: (1) the papers of Andrew Johnson, especially the full files of private letters to Johnson—very useful for the politics of the most critical time of the reconstruction; (2) papers of Thaddeus Stevens, scanty and unimportant; (3) the Lyman Trumbull papers, consisting of letters received, but lacking all that related to impeachment; (4) the diaries and correspondence of Salmon P. Chase, collected by Albert Bushnell Hart for his life of Chase, and

subsequently transferred to the library; the set includes about twelve thousand letters to Chase.

PRINTED COLLECTIONS OF SOURCES

For constitutional and political matters a great mass of material is contained in Edward McPherson, *Political Manual*, annual for the years 1866–1870, and united, with revision and additions, into a single volume entitled *Political History of the United States during the Period of Reconstruction* (2d ed., 1875). After 1870 the same plan is followed in Edward McPherson, *Handbook of Politics* for 1872, 1874, 1876, 1878, each volume covering the two years preceding July 15 of the year for which it is named. McPherson was clerk of the House of Representatives from the thirty-eighth to the forty-third Congress, inclusive, and had unequalled facilities for the work of compiling the manuals. They are carefully and accurately prepared, and make readily accessible much information (such, for example, as the party divisions on all important votes in the House) that could otherwise be procured, if at all, only with great labor. More comprehensive in scope is W. L. Fleming *Documentary History of Reconstruction* (2 vols., 1906–1907), which includes the social and economic, as well as the political, aspects of southern reorganization, and presents documents from a wide range of unofficial as well as official sources; its arrangement is primarily topical, and the editor introduces each chapter with a short historical comment and with a list of references. The work is very valuable for this period. William MacDonald, *Select Statutes, 1861–1898* (1903), contains in convenient form, with useful historical comment, the principal statutes, proclamations, and other official documents of the period of reconstruction, accurately reproduced. A considerable number of excerpts from public and private papers throwing light on the time are given in Albert Bushnell Hart, *American History Told by Contemporaries* (4 vols., 1897–1901), IV. The *Annual Cyclopædia*, mentioned below, contains each

year many important state papers. Election returns and political miscellany are to be found in the annual *Tribune Almanac* and *World Almanac;* and the party platforms and popular and electoral votes of the quadrennial presidential contests are reprinted in Edward Stanwood, *A History of the Presidency* (1898), and A. K. McClure, *Our Presidents and How We Make Them* (rev. ed., 1905).

PUBLIC DOCUMENTS

Indispensable material for the right understanding of every phase of national history during this period is contained in the official publications of the government. The original text of all legislation is to be found in the *United States Statutes at Large*, XIV. to XIX., and a systematic abridgment of it in the *Revised Statutes of the United States* (2d ed., 1878).

The proceedings and debates in Congress are fully recorded in the *Congressional Globe* for the thirty-ninth to the forty-second Congress inclusive (1865–1873), and the *Congressional Record* for the forty-third and forty-fourth Congresses (1873–1877). Supplementary to these and even more important are the collections of documents printed for each house of each Congress. These include *Executive Documents*, containing information formally communicated to the houses by the president and heads of the executive departments; *Reports of Committees*, submitted to each house in due course of business; and *Miscellaneous Documents*, covering a vast range of matters, but in this period especially important for the testimony taken by the numerous investigating committees on affairs in the South and on the management of the administration. In some cases this testimony is to be found with the reports of the committees, but in most instances the two are in distinct documents.

The messages, proclamations, and executive orders of Presidents Johnson and Grant are included in the compendious but ill-arranged and ill-indexed compilation by James D. Richardson, *Messages and Papers of the Presidents*,

1789–1897 (10 vols., 1898), VI. and VII., published as *House Miscellaneous Documents*, 53 Congress, 2 session, No. 210.

The decisions and opinions of the Supreme Court of the United States during this period are contained in *United States Reports*, vols. LXX. to XCIV. inclusive, or, under the old method of citation by the name of the reporter, vols. 3 to 29 of Wallace, and 1 to 4 of Otto.

Selections from the diplomatic correspondence are printed in the annual volumes transmitted to Congress as *Executive Documents*, under the title *Foreign Relations of the United States*. All treaties may be found in the stout volume compiled by John H. Haswell, *Treaties and Conventions . . . between the United States and other Powers since July 4, 1776* (1889), and printed as *Senate Executive Documents*, 48 Congress, 2 session, No. 47.

CONTEMPORARY PERIODICALS

The most useful systematic repository of events as they appeared to contemporaries is the *American* (after 1875, *Appleton's*) *Annual Cyclopædia* (1861–1902). With allowance for inevitable errors in the newspaper reports on which it is largely based, and for a perceptible conservatism in the editor, this compilation constitutes an invaluable source for the general history of the period. All the leading monthly magazines have numerous articles throwing light on reconstruction and the prominent features of national life. These articles defy enumeration here, but may be readily traced through Poole's *Index to Periodical Literature* (1882), with supplementary volumes covering later years. Some especially good matter is to be found in the *Galaxy*, a magazine that ran from 1866 to 1878, and was then merged in the *Atlantic Monthly*.

Of the weeklies, the *Nation* and *Harper's Weekly* are especially important. The *Nation* first appeared in 1865, and attained much influence before the end of its first decade. Its comments on current political and social

events are a suggestive guide to the contemporary opinion of the more cultivated classes. By the end of our period the political and social judgments of the *Nation* had come to be distinctively those of its talented owner and editor, Edwin L. Godkin, whose keen criticism and incisive satire made him a power, but not always to the end he had most at heart. *Harper's Weekly*, edited by George William Curtis, gained its greatest influence and distinction through the political cartoons of Thomas Nast, whose pictures, beginning with episodes of Johnson's presidency and reaching a culmination of effectiveness in connection with the Tweed ring and the campaign of 1872, present an invaluable record of the feelings and the taste of the time. The *Independent*, edited up to 1870 by Theodore Tilton, and the *Christian Union*, edited after 1870 by Henry Ward Beecher, represent the liberal religious press of the period. Their moral and political doctrine inspired and reflected the spirit of a most upright and conscientious part of the population. After the revelations made in connection with the Beecher-Tilton scandal in 1874 the influence of these weeklies sensibly declined.

A careful and extensive reading of the daily newspapers is essential to any proper understanding of our period. For the conditions in the South during reconstruction the correspondents of the northern papers, in formal and elaborate letters that have since in great measure disappeared from the columns of dailies, presented very important material. Without attempting a list of the leading dailies, certain facts concerning the great metropolitan organs may be mentioned as useful in judging their news and editorial views. The New York *Times*, edited by Henry J. Raymond, espoused Johnson's side in the struggle with the radicals in Congress, and thus lost ground to the *Tribune*, edited by Horace Greeley. When Greeley ran for president in 1872, the *Times*, now controlled by George Jones, came out for Grant, and thus changed places in a party sense with the *Tribune*. Both papers were regularly for Hayes in 1876, and renewed their old rivalry on about

equal terms for journalistic leadership of the Republicans, Whitelaw Reid having in the mean time succeeded Greeley at the head of the *Tribune*. Of great significance was the growth into national influence of the New York *Sun*, under the editorship of Charles A. Dana, who assumed control in 1868. The skilful, persistent, and malicious attacks of the *Sun* on President Grant and his administration have to be carefully reckoned with in estimating the course of events and opinions during the eight years of his service.

COLLECTED WORKS OF PUBLIC MEN

Three collections of importance for our period are Charles Sumner, *Works* (15 vols., 1870–1883), of which the last seven volumes belong to the reconstruction time; James A. Garfield, *Works* (2 vols., 1883); and Samuel J. Tilden, *Writings and Speeches* (2 vols., 1885). Some useful matter may be found in George William Curtis, *Orations and Addresses* (3 vols., 1894); Jeremiah S. Black, *Essays and Speeches* (1885); and Joseph P. Bradley, *Miscellaneous Writings* (1901). Of a different character, but highly useful, is the *Sherman Letters* (1894), giving extended correspondence between General W. T. Sherman and his brother, Senator John Sherman. A few letters of this period to Chief-Justice Chase are printed in American Historical Association, *Report*, 1902, vol. II.; and some suggestive revelations of Grant's political feelings and opinions may be found in *General Grant's Letters to a Friend* [E. B. Washburne] (1897), edited by James Grant Wilson.

REMINISCENCES

The number of this kind of works throwing more or less light on our period is large, but the significance of most of them is unusually small; the writers in many cases seem to lose interest in their subjects after the thrilling and dramatic scenes of the war-time have been passed, and to dwell but briefly on the sordid and repulsive features of the later years. From northern men of prominence we

have: Hugh McCulloch, *Men and Measures of Half a Century* (1888); Gideon J. Welles, important article in *The Galaxy*, May, 1872; George S. Boutwell, *Reminiscences of Sixty Years in Public Affairs* (2 vols., 1902); John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet* (2 vols., 1895), very useful, especially in respect to financial history; George W. Julian, *Political Recollections 1840–1872* (1884). George F. Hoar, *Autobiography of Seventy Years* (2 vols., 1903); and B. F. Butler, *Autobiography and Personal Reminiscences* (1892), are suggestive and entertaining rather than historically trustworthy. Some highly useful chapters for this period are contained in John M. Schofield, *Forty-six Years in the Army* (1897); Philip H. Sheridan, *Personal Memoirs* (2 vols., 1888), II.; A. K. McClure, *Recollections of Half a Century* (1902); Ben. Perley Poore, *Perley's Reminiscences* (2 vols., 1886); Andrew D. White, *Autobiography* (2 vols., 1905). From southerners the following may be mentioned: Benjamin F. Perry, *Reminiscence , with Speeches and Addresses* (1883–1889); Joseph Le Conte, *Autobiography* (1903); Mrs. R. Pryor, *Reminiscences of Peace and War* (1904); Mrs. C. C. Clay, *A Belle of the Fifties* (1904); Susan D. Smedes, *Memorials of a Southern Planter* (1900). The last three are full of suggestion as to the depth of ruin that came upon well-to-do people in the wake of war, but are not in all respects to be taken too seriously as historical sources.

BIOGRAPHIES

PUBLIC MEN OF THE NORTH.—The only life of Andrew Johnson covering the years of his presidency is by James S. Jones (1901), a poor piece of work by an incompetent writer. President Grant has been somewhat better treated, though most of his biographers regard his military career as all that is worth serious consideration. Adam Badeau, *Grant in Peace* (1887), contributes more than any other published work to the authentic knowledge of Grant's political personality, but combines it with much that is of doubtful authenticity. John Russell Young, *Around the*

World with General Grant (2 vols., 1879), incorporates in the account of the journey a number of "Conversations" in which the ex-president comments at large on the men and events of his political career. These records are suggestive, but contain internal evidence that either Grant's memory or Young's reporting, or both, were at times very faulty. Hamlin Garland, *Ulysses S. Grant* (1898), an unpretentious, well-written work, is probably the best complete biography thus far at hand; that by W. C. Church, a personal friend of Grant, is also good. G. W. Childs, *Recollections of General Grant* (1890), is very slight but relatively important. Concerning men of cabinet rank we have Frederic Bancroft, *William H. Seward* (2 vols., 1900), scholarly and of high literary finish, F. W. Seward, *Seward at Washington* (1891), and the relatively unimportant biography of Seward by T. K. Lothrop (1896); G. C. Gorham, *Life and Public Services of Edwin M. Stanton* (2 vols., 1899), and, less important, F. A. Flower, *Edwin McMasters Stanton* (1905). Much about Chief-Justice Salmon P. Chase may be found in biographies of him by J. W. Schuckers (1874), R. B. Warden (1874), (both were army correspondents), and, in smaller compass but from fuller sources, Albert Bushnell Hart (1899). As to the leaders in Congress during the period, E. L. Pierce, *Memoir and Letters of Charles Sumner* (4 vols., 2d ed., 1894), is extremely full and accurate on current political history, though strongly prejudiced by affection for Sumner; W. D. Foulke, *Life and Public Service of Oliver P. Morton* (2 vols., 1899), lets the subject speak chiefly for himself; E. B. Callender, *Memoirs of Thaddeus Stevens, Commoner* (1882), and S. W. McCall, *Thaddeus Stevens* (1899), give a rather inadequate treatment of the great parliamentary leader; James G. Blaine is the subject of a brilliant but untrustworthy *Biography* by Gail Hamilton [Mary Abigail Dodge] (1895), and a smaller and less brilliant but more candid volume by Edward Stanwood (Am. Statesmen Series, 1906). Less important than the foregoing, but not to be neglected, are A. G. Riddle, *Life of Benjamin F. Wade* (1888); A. R. Conkling, *Life and*

Letters of Roscoe Conkling (1889); Detroit Post and Tribune, *Life of Zachariah Chandler* (1880); C. E. Hamlin, *Life and Times of Hannibal Hamlin* (1889); W. Salter, *J. W. Grimes* (1876); O. J. Hollister, *Life of Schuyler Colfax* (1887); C. F. Adams, *Charles Francis Adams* (1900). Of men high in state official position, important biographies are those of *Samuel J. Tilden* by John Bigelow (2 vols., 1895); *John A. Dix*, by Morgan Dix (2 vols., 1883); and *John A. Andrew*, by H. G. Pearson (2 vols., 1904). Valuable light on the political and personal undercurrents during the period is thrown by T. W. Barnes, *Memoir of Thurlow Weed* (1884); G. S. Merriam, *Life and Times of Samuel Bowles* (2 vols., 1885), a highly important work; Edward Cary, *George William Curtis* (1900); W. A. Linn, *Horace Greeley* (1903); Albert Bigelow Paine, *Thomas Nast, his Period and his Pictures* (1904); E. P. Oberholtzer, *Jay Cooke*, a series of articles in the *Century Magazine*, LXIII. (1906–1907); Rollo Ogden, *Life and Letters of Edwin Lawrence Godkin* (2 vols., 1907); J. H. Wilson, *Life of C. A. Dana* (1907).

Public Men of the South.—The list under this head contains few works of great importance for our period. The best are Edward Mayes, *Lucius Q. C. Lamar, his Life, Times, and Speeches* (1896); H. Fielder, *Life, Times, and Speeches of Joseph E. Brown* (1883); B. H. Hill, Jr., *Life of Benjamin H. Hill* (1893); Johnston and Browne, *Life of Alexander H. Stephens* (1878). Others that throw incidental light on conditions and feeling in the South are R. E. Lee, *Recollections and Letters of Robert E. Lee* (1904); Varina Davis, *Memoir of Jefferson Davis* (2 vols., 1890); P. A. Stovall, *Robert Toombs* (1892); H. D. Capers, *Life and Times of C. G. Memminger* (1893); W. P. Trent, *William Gilmore Simms* (1892).

Northern Accounts of Southern Conditions

Of high importance under this head are the report of Carl Schurz to the president in the autumn of 1865, *Senate Executive Documents*, 39 Cong., 1 Sess., No. 2, to which is appended a report of observations by General Grant:

and the report of B. C. Truman, of April, 1866, in *Senate Executive Documents*, 39 Cong., 1 Sess., No. 43. All of the important newspapers contained copious correspondence from the South, especially during 1865 and 1866. The letters (unsigned) of J. R. Dennett, in the New York *Nation* during the summer and fall of 1865, are among the best of their kind. Several of the volumes mentioned below are reprints of correspondents' letters: Sidney Andrews, *The South Since the War* (1866); Whitelaw Reid, *After the War* (1866); J. T. Trowbridge, *The South* (1866); J. S. Pike, *The Prostrate State* (1874), a former abolitionist's description of the barbarism of negro rule in South Carolina; Charles Nordhoff, *The Cotton States in . . . 1875* (1876), another abolitionist's account of conditions several years later than those observed by Pike; Edward King, *The Great South* (1875). The foregoing are all highly valuable sources of the period. With them may be classed the work of the English observer Robert Somers, *The Southern States Since the War* (1871), especially strong in comment on agriculture and industry. The works of Pike and Nordhoff, while deriving great vividness from the personal observation of the authors, are made up mostly from the evidence taken by congressional committees of investigation. A. W. Tourgee, a carpet-bagger who held a judicial position in North Carolina, incorporates much reflection on the feeling and experiences of his class in his works of fiction, *A Fool's Errand* (new ed., 1880) and *Bricks Without Straw* (1880); his *Appeal to Cæsar* (1884), a serious argument for national aid in the education of the blacks, is also of value for the reconstruction period. Another carpet-bagger's experiences under cover of fiction are to be found in A. T. Morgan, *Yazoo, or the Picket Line of Freedom in the South* (1884).

MONOGRAPHS ON RECONSTRUCTION IN THE SOUTH

Why the Solid South? edited by H. A. Herbert (1890), is a collection of essays by various authors, treating of

the period of reconstruction for the states that seceded, together with Missouri and West Virginia. The sketches are of very uneven quality, and all are strongly partisan in spirit, seeking to justify the attachment of the South to the Democratic party. Less prejudiced is a review of the leading features of reconstruction in a series of articles by various writers in the *Atlantic Monthly*, January to October, 1901. Frederic Bancroft, *The Negro in Politics*, (Columbia University, 1885), is a just and scholarly sketch dealing chiefly with South Carolina and Mississippi. A very complete and accurate account of a most conspicuous agency in reconstruction is given by Paul S. Peirce, *The Freedmen's Bureau* (*University of Iowa Studies*, 1904). The Ku-Klux movement is cleared of some of its mystery by J. C. Lester and D. L. Wilson, *Ku-Klux Klan, its Origin, Growth, and Disbandment*, edited, with important additions, by W. L. Fleming (1905); a just and interesting exposition of this movement is given by W. G. Brown, in his collection of essays entitled, *The Lower South in American History* (1902). Most of the southern states are the subjects of monographic studies covering our period. W. L. Fleming, *Civil War and Reconstruction in Alabama* (1905), is the most comprehensive of the group, presenting a great mass of social and economic as well as political facts, with a marked southern bias in their interpretation; J. W. Garner, *Reconstruction in Mississippi* (1901), deals chiefly with the legal and political movements, in a rigidly judicial spirit; J. S. Reynolds, *Reconstruction in South Carolina* (1905), is a painstaking compilation of fact, by a southern partisan; Walter Allen, *Governor Chamberlain's Administration* (1888), treats with great fulness and as an avowed apologist for the governor, the last years of reconstruction in South Carolina; and J. P. Hollis sketches inadequately the first years in his *Early Reconstruction Period in South Carolina* (*Johns Hopkins University Studies*, 1905); E. C. Woolley, *Reconstruction in Georgia* (*Columbia University Studies*, 1901), J. W. Fertig, *Secession and Reconstruction of Tennessee* (University of Chicago, 1896), and H. J. Eckenrode,

Virginia During Reconstruction (*Johns Hopkins University Studies*, 1904), are very useful sketches, dealing with constitutional and political matters; J. G. de R. Hamilton, *Reconstruction in North Carolina* (Columbia University, 1906), brings its subject down to 1868, and is in process of completion to cover later years; John Wallace, *Carpet-bag Rule in Florida* (1888), is a crude and untrustworthy review of its subject, by a negro who was active as a politician; J. M. Harrell, *The Brooks and Baxter War* (1893), covers the chief incidents of the period in Arkansas, entertainingly but in a form hard for outsiders to understand. Mrs. M. L. Avary, *Dixie After the War* (1906), is a chatty volume, made up partly of reminiscences and partly from familiar sources.

MONOGRAPHS ON NATIONAL POLITICS AND ADMINISTRATION

Under this head may be placed W. H. Barnes, *History of the Thirty-ninth Congress* (1868), a commonplace compilation from the *Congressional Globe;* C. E. Chadsey, *The Struggle between President Johnson and Congress over Reconstruction* (*Columbia University Studies*, 1896), a useful résumé; D. M. DeWitt, *The Impeachment and Trial of Andrew Johnson* (1903), an extremely complete and skilful analysis of the leading personal and political characters and motives, with obvious dislike for the radicals; Edmund G. Ross, *The Impeachment of Andrew Johnson* (1896), a perfunctory account by one of the Republican senators who voted for acquittal; John McDonald, *Secrets of the Great Whiskey Ring* (1880), written by one who served a term in prison for complicity, and correspondingly untrustworthy; A. M. Gibson, *A Political Crime* (1885), a strongly partisan account of the election of 1876–1877, purporting to prove that the Republicans triumphed through a far-reaching conspiracy; Paul L. Haworth, *The Hayes-Tilden Disputed Presidential Election* (1906), the fullest account, presenting all facts with impartiality, but perceptibly favoring the Republicans in interpretation.

DIPLOMATIC HISTORY

A bibliography of the subject may be found in Albert Bushnell Hart, *Foundations of American Foreign Policy* (1902), chap. viii. The chief incidents of our foreign relations are pretty fully treated in the current volumes of *Diplomatic Correspondence* transmitted to each Congress. A complete account from material that became available only long after is given in the great work of John Bassett Moore, *A Digest of International Law* (8 vols., 1906), a vast compilation and commentary, fully indexed and equipped with copious bibliographical matter. The French intervention in Mexico is set in full light in this work (vol. VI.), and the diplomacy from the American point of view is also clearly described in F. Bancroft, *W. H. Seward*, II. The Mexican point of view is taken in H. H. Bancroft, *History of Mexico* (6 vols., 1883–1888), VI.; the French imperial policy is illustrated in Gaulot, *La Vérité sur l'Expédition du Mexique* (3 vols., 1889–1890). Moore and Bancroft are the best authorities also for the negotiations as to Alaska and the Danish islands, with useful supplementary matter in Pierce's *Sumner*. The general state of public opinion on these various projects for acquisition of territory is well described by Theodore Clarke Smith, "Expansion After the War, 1865–1871," in *Political Science Quarterly*, September, 1901. For our relations with Great Britain, culminating in the Geneva arbitration, the leading authority is John Bassett Moore, *History and Digest of the International Arbitrations to which the United States has been a Party* (6 vols., 1898), I. Interesting aspects of this subject, with important extracts from the unpublished diary of Hamilton Fish, are presented in the essay of Charles Francis Adams, "The Treaty of Washington," in *Lee at Appomattox, and other Papers* (1902). Other works on the subject, bearing especially on the relations of Charles Sumner to the negotiations, are J. C. B. Davis, *Mr. Fish and the Alabama Claims* (1893), by the agent of the United States at Geneva, and D. H. Chamberlain, *Charles Sumner*

and the Treaty of Washington (1902), opposing the unfavorable view of Sumner's acts as presented by Adams. The British side of the affair is illustrated in A. Lang, *Life, Letters and Diaries of Sir Stafford Northcote* (new ed., 1891); Lord Edmond Fitzmaurice, *Life of . . . Earl Granville* (2 vols., 1905); and John Morley, *Life of W. E. Gladstone* (3 vols., 1903).

ECONOMIC AND SOCIAL HISTORY

Material in this field is scattered and fragmentary. The national finances are admirably treated in Davis R. Dewey, *Financial History of the United States* (American Citizen Series, 1903), though necessarily with great conciseness; and less scientifically, but more fully, in A. S. Bolles, *Financial History of the United States, 1861–1885* (2d ed., 1894); A. D. Noyes, *Thirty Years of American Finance, 1865–1895* (1898), is excellent, but devotes most attention to the years subsequent to 1877. On the questions of currency, light is to be found in J. J. Knox, *United States Notes* (3d ed., 1888), and *History of Banking in the United States* (1900), and in Horace White, *Money and Banking* (2d ed., 1902). The tariff, not of the utmost importance during our period, is fairly well treated by F. W. Taussig, *Tariff History of the United States* (4th ed., 1899); and more fully and from an avowedly protectionist point of view by Edward Stanwood, *American Tariff Controversies in the Nineteenth Century* (2 vols., 1903). The panic of 1873 is explained in some detail by T. E. Burton, *Financial Crises* (1902), and valuable illustrative tables are added in an appendix.

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transcontinental system are accurately described in the excellent little volume by J. P. Davis, *The Union Pacific Railway* (1894). In the brilliant and caustic collection of C. F. Adams, Jr., and Henry Adams, *Chapters of Erie and Other Essays* (1871), a strong light is thrown on salient features of speculative finance and on the general social and political conditions in New York during the rise of Fisk and Gould to prominence, and the heyday of the Tweed ring's rule. Ida M. Tarbell, in her *History of the Standard Oil Company* (1904), deals largely with social and industrial conditions in the early seventies, when the great corporation had its beginning; and the same field is opened by Gilbert H. Montague, *Rise and Progress of the Standard Oil Company* (1903).

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